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THE ORGANIZATION OF THE SAN FRANCISCO CONFERENCE

I

THE product of the United Nations Conference on International Organization has now been public property for several weeks. By and large it has received a favorable reception, but as the future alone can reveal how wisely the delegates discharged the heavy task laid upon them the San Francisco Conference cannot now be appraised in terms of the prescience or judgment of its members. In the final analysis, the decision on this score will undoubtedly depend quite as much upon the spirit with which the nations of the world, and particularly the great nations, utilize the mechanisms which the artisans of the Conference fashioned as upon the technical excellence of the Charter itself.

There is another aspect of the Conference, however, the review of which need not await the perspective of time. The organization, staffing and operation of the huge gathering which disrupted the normal existence of San Francisco for more than two months presents interesting problems of administration. In retrospect this part of the record of the Conference is fairly bright. Faced with problems of unprecedented complexity and forced to provide a functioning organization within a time limit so restricted that action could not await careful study and planning, those charged with the direction of the Conference may well take comfort in the realization that the job was done with no major breakdowns along the line. Numerous

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operating difficulties inevitably occurred as the organization got under way, but these were few and of relatively minor importance in their effect upon the actual progress of the work of the Conference.

Housing a great international conference presents many problems; and it would have been virtually impossible to find perfect accommodations, particularly in a period of wartime congestion. San Francisco's facilities in this respect were probably equal or superior to those which could have been obtained elsewhere in the country. In other words, space was limited but adequate.

All official meetings of the Conference were held in the Opera House and the Veterans Building, situated adjacent to each other in San Francisco's magnificent Civic Center. The dignity and serious purpose of the Conference were emphasized by the quiet richness of the auditorium of the Opera House, where the plenary sessions and commission meetings were held. Another room in the Opera House served as the regular meeting place of the Executive Committee and Coordination Committee. The Veterans Building, a four-story structure of massive proportions, was the nerve center of the Conference. Here were located the offices of the Secretary General, the Executive Secretary, the secretarial and stenographic personnel, the interpretation and translation staffs, the document-processing departments, and many other groups whose work was essential to the smooth operation of the day-by-day program. With the exception of the Secretary General, all of these activities were concentrated on the fourth floor which had formerly been used for an art museum. Its great barren halls had been denuded of their pictures, and temporary partitions running part way to the sky-lighted ceiling served to separate the many offices and divisions which compositely were known as the International Secretariat of the Conference.

Most of the space on the second and third floors was given over to committee rooms, although the Secretary General's offices were located on the third floor and the Conference library was placed on the second floor where it would be readily accessible to the committee rooms. With a single exception, the

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available rooms were inadequate for a full-sized technical committee, if its deliberations were such as to attract a considerable number of observers. The limited space was somewhat aggravated by the fact that the tables which had been built in a single piece—in the shape of a large U with an extra leg down the middle—could not be adjusted to the varying needs of different committees so as to accommodate the advisory and technical staffs which were sometimes necessary.

The first floor and basement provided adequate if somewhat cramped quarters for the press and radio, as well as for various service agencies. Telegraph, mail, express, banking and commissary services were available without leaving the building during the daytime working hours.

San Francisco's justifiably well-publicized hotels provided sufficient housing and office accommodations for the fifty delegations and their staffs. In order to reduce the strain on the city's already overtaxed transportation systems, special facilities were made available to all those holding Conference credentials. Thus, each delegation was furnished one or more limousines for its exclusive use. In addition, through the coöperation of the Navy a fleet of new passenger buses was placed at the disposal of the Conference. Regular runs on three different routes laid out so as to reach all of the hotels used by Conference personnel were made at ten-minute intervals during the regular working day, and it required only a few minutes' wait to secure a free ride directly between one's hotel and the Veterans Building. Keeping pace with its sister service, the Army supplied several hundred new motor cars for additional and special transportation needs.

II

On the first day, before any public sessions were held, the heads of the forty-six delegations then in attendance met in a preliminary organization meeting. Submitted to them for their approval were the suggested rules of organization and procedure for the Conference. These rules, which had been drawn up in the State Department, proposed the official organs of the Conference. The Plenary Session, composed of all delegations, each

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delegation to have one vote, was to be presided over by the President of the Conference, assisted by the Secretary General. It was assumed at this time that Secretary of State Stettinius, Chairman of the American Delegation, would be the President of the Conference.

Four general committees were also proposed. The Steering Committee was to be composed of the chairmen of all delegations, while the Executive Committee would include the chairmen of the delegations of the four sponsoring Powers and the chairmen of the delegations of seven other nations to be chosen by the Steering Committee. The other two general committees were the Coordination Committee and the Credentials Committee. The former was to be composed of representatives of the same countries which had seats on the Executive Committee. It was to be a technical adjunct to the Executive Committee, its personnel drawn chiefly from the legal specialists on a delegation's staff. Although its stated function was to assist the Executive Committee, its chief and almost sole task in practice was that of putting the proposals of the several technical committees into final Charter language. In this work it received advice and assistance from the Advisory Committee of Jurists, a committee of six outstanding authorities in international law, which was established during the latter part of the Conference.

The Credentials Committee was composed of six members appointed by the heads of the following delegations: Ecuador, Luxembourg, Nicaragua, Saudi Arabia, Syria and Yugoslavia. Its functions were largely formal but it made a report to the Plenary Session that it had found the credentials of all delegates valid and in good order.

The foregoing agencies were to constitute the organs of guidance, direction and over-all coördination of the substantive work of the Conference. The substantive work itself was assigned to another set of organs—the commissions and the technical committees. These agencies were intended to provide a division of labor. They were based upon a logical breakdown of the new Charter as it had been projected in the Dumbarton Oaks proposals.

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The new organization could be subdivided into four major segments: the general over-all purposes, powers and principles with which it would be endowed; the General Assembly and its composition, functions and powers; the Security Council and its composition, functions and powers; and the International Court of Justice. Although each of these major segments would necessarily have many points of contact with the others, each seemed sufficiently self-contained so that it could be assigned as a single unit for purposes of drafting. Accordingly, four commissions were created for the over-all task of Charter construction. The first Commission dealt with general provisions of the proposed Charter. Its work was divided between two technical committees: Committee I-1 on the Preamble, Purposes and Principles of the Charter; and Committee I-2 on Membership, Amendment, and the Secretariat. Commission II was devoted to the General Assembly. Its work was divided between four technical committees: Committee II-1 on Structure and Procedures; Committee II-2 on Political and Security Functions; Committee II-3 on Economic and Social Cooperation; and Committee II-4 on the Trusteeship System. Commission III dealt with the Security Council and the maintenance of international peace and security. It, too, worked through four technical committees: Committee III-1 on Structure and Procedures of the Council; Committee III-2 on Procedure of Peaceful Settlement; Committee III-3 on Enforcement Arrangements; and Committee III-4 on Regional Security Arrangements. Commission IV had the problem of judicial organization. Its two technical committees were Committee IV-1 on the International Court of Justice and Committee IV-2 on Legal Problems.

It was proposed that each delegation should have at least one representative on each of the four commissions and twelve committees, and that each country represented should have a single vote on each of these bodies. The proposal called for the appointment of a president, rapporteur, and assistant secretary general for each commission and of a chairman and rapporteur for each technical committee. Ostensibly, these thirty-six officers were to be nominated by the Steering Committee and approved by the Plenary Session. Actually, the panels of com-

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mission and committee officers had been pretty well worked out before the Conference convened—not in terms of individuals but on the basis of countries. The underlying aim had been to distribute the honorary positions as widely as possible among the smaller nations attending the Conference.

In theory this idea was attractive. In practice it revealed serious defects. This was particularly true in the case of committee chairmanships. Of the twelve chairmen, several were men of outstanding ability, but there were other instances in which the grab-bag method of selection was not so fortunate. Chairmen who apparently had little or no previous experience in conducting parliamentary sessions, or who had little familiarity with the subject matter before their committees, were not unknown. Language difficulties further complicated the smooth operation of the committee sessions. In several cases, the chairmen knew neither English nor French and this necessitated an additional translation each time he participated in the proceedings. There were notable exceptions where the excellence of the chairman in other respects more than overcame such relatively minor considerations as language, but unfortunately this was not always the case. Some of the most serious bottlenecks of the entire Conference might be traced to the unhappy choice of a committee chairman.

With a few important exceptions this organization of the Conference as proposed by the Secretariat to the heads of delegations at the first meeting was approved and followed through the Conference.

The proposal that there be a single President of the Conference did not, however, meet with unanimous approval. After lengthy and at times rather heated discussion, it was agreed that there should be four presidents representing the four sponsoring Powers and that these presidents should rotate in presiding over the plenary sessions of the Conference. As a concession to the United States it was agreed that Secretary Stettinius should preside at all meetings of the Steering and Executive Committees. Also, the size of the Executive and Coordination Committees was increased from eleven to fourteen in order to give greater small nation representation.

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The question of languages also caused difficulty—and in the end no little embarrassment. It had been proposed by the Secretariat that English would be designated as the sole working language of the Conference. Under this arrangement the Dumbarton Oaks proposals and the amendments and proposals offered by the participating governments would have been printed in the five official languages of the Conference—English, French, Chinese, Russian and Spanish—but the daily reports and other working documents would have been printed only in English. If English had been designated as the sole working language, the problem of interpretation would have been greatly simplified because, although a delegate would be free to speak in any language he chose, he would have been obligated to provide an interpretation or translation of it.

After much discussion during which the precedents of previous international conferences were carefully reviewed, it was decided that English and French would be the two working languages, enjoying absolute parity. The Soviet Union agreed to this with the understanding that important documents should also be printed in Russian whenever this was physically possible. At various times, when the flow of committee reports became very heavy, the translators, mimeographers and printers fell behind in their schedule, but an attitude of sympathetic coöperation on the part of all concerned prevented serious difficulty.

The decision to have two official languages found the Secretariat inadequately equipped with interpreters and translators to handle the work load thus expanded. Since the problems presented and the way in which they were met are discussed in the section on personnel, it is unnecessary to dwell upon them at this time. From another point of view, however, this unforeseen development played havoc with previous calculations. Under the new agreement it became necessary to interpret every speech at least once, and if it was delivered in a language other than English or French, two interpretations were necessary. This made the committee sessions at least once again as long as if it had been possible to employ a single language. Attention has already been drawn to the fact that several of the committee chairmen conducted their meetings in languages other than English and

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French, and this increased the difficulty and frequently the dullness of the sessions.

At the time that the Steering and Executive Committees were constituted, it was assumed that they would serve not only as the directorate of the Conference but also as quasi courts of appeal for the settlement of issues which could not be resolved by the technical committees. Apparently this was the general understanding which existed and was accepted without objection during the initial stages of the Conference. There was a certain logic in support of this point of view. The Steering Committee composed of the heads of delegations seemed the natural source of such power and no one questioned it at the time.

Later, however, when issues of committee jurisdiction were raised in connection with the controversy over the power of the Assembly to discuss certain types of questions, it was decided by a fairly close vote that the Steering Committee and the Executive Committee had no final power whatever, that the only organs endowed with legislative power were the technical committees, the commissions and the Plenary Session.

III

Administrative direction of the Conference was headed by the Secretary General. Under the immediate direction of his office were eight auxiliary services: admissions, comptroller, presentation, protocol, cultural activities, photography, information and security. The other administrative functions of the Conference were divided into two major groups. Under the Executive Secretary were grouped all activities having to do with the substantive aspects of the Conference. This included not only the recording and reporting secretariat but also all personnel concerned with interpretation, translation, document preparation, processing and distribution, etc.

Reporting directly to the Executive Secretary were the executive officers of the four commissions. Each executive officer in turn had his own staff. This included an assistant executive officer, a secretary for each of the technical committees in his commission, and a varying number of assistant secretaries depending upon the work load of each committee. Such was the standard

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pattern of organization. When several foreign delegations made some of their staff personnel available for work on the Secretariat, certain additions and elaborations were made in the administrative structure. After consultation with the visiting representatives, they were allocated to the various commissions and committees on the basis of their interest and previous experience and were designated either as associate executive officers or associate secretaries.

The second general division under the Secretary General was directed by the Administrative Secretary. This included such service functions as personnel, finance, space, procurement, transportation and communications.

When the time and place for the UNCIO were announced, it was clear that a large staff with varying skills and backgrounds would be needed. An International Secretariat, including interpreters, translators, typists, mimeograph operators, printers, stenographers, stenotypists, secretaries, librarians, subject matter specialists to handle the reporting and editing of the committee proceedings, and many other categories of workmen, had to be available to start in full swing when the Conference opened on April 25. There was not sufficient time to train a staff; furthermore, it would not be practicable when the job would last only for a few weeks. The one alternative was to recruit from available sources personnel which by previous experience and training could be expected to handle the work.

The problem varied according to the different types of work to be done. For ordinary typing and mimeographing and similar functions associated with processing of large amounts of written matter, as well as for the usual demands of report writing, filing and office routine, civil service personnel could be obtained in Washington and moved to San Francisco, provided the persons chosen could be released temporarily from their permanent assignments. Actually, this is what happened in a large number of cases and several hundred office workers were transported across the continent in special trains and by air. This number was supplemented by additional persons recruited locally in San Francisco.

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Less susceptible of an easy solution was the problem of obtaining a competent staff of interpreters and translators. Two working languages and three additional official languages necessitated full complements of language experts for virtually every committee meeting. In point of fact Chinese was never used except for ceremonial purposes, but the other four languages were used regularly. Throughout most of the Conference four committees would be in session simultaneously and during the unavoidable rush in the final days the number would sometimes be as high as six.

The decision to make all languages official had not been contemplated by those who worked out the original estimates for interpretation and translation; and when this decision was reached after the delegations had already assembled, it was manifest that the existing staff of interpreters and translators fell far short of the number needed. The Secretariat made a hasty canvass for supplementary personnel. Several of the visiting delegations graciously made some of their language experts available. The International Labour Organization responded generously. One or two were obtained from universities. These additions were helpful, but the total number still did not fully meet the need during the peak periods of committee activity. The only solution was for the interpreters to undertake schedules far heavier than those customarily regarded as normal for this type of work. They worked early and late, frequently rushing from one tiring session before the smoke of battle had lifted to take up their labors in another committee just about to get under way. The strain upon them in terms of physical, mental and emotional energy was great; yet if they paused or faltered the work of the Conference would be held up, so they caught sleep on the run, ate between engagements, and throughout the truly grueling ordeal displayed a spirit of coöperation that was genuinely inspiring to those who associated with them. It would be less than just not to pay tribute to the contribution which they made.

For the task of preparing the basic documentation to be used by the twelve technical committees which were charged with the actual drafting of the Charter and of caring for all of the

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detail which must precede, accompany and follow every session of each committee, it was necessary to recruit a body of persons with rather highly specialized training and experience. When the League of Nations was established, a great effort was made to build up an international secretariat whose standards would be commensurate to the task before it. Unfortunately, this body of civil servants was not sufficiently exploited for the San Francisco Conference. Out of the entire Secretariat established at San Francisco, less than half a dozen had had previous experience with the League and of this number only two had been associated with the League in anything resembling a permanent capacity. It seems unfortunate that greater effort should not have been made to capitalize upon this rich experience in international administration, especially in view of the extremely valuable contribution made by those with previous experience.

Although the Secretariat was designated "international" in order to make clear its impartial point of view and to denote that it was not exclusively American in composition, it is likely that the first objective was more nearly obtained than the latter. The members of the Secretariat maintained an attitude of strict neutrality in so far as their relations with the member nations were concerned. But among the hundred or so members of the recording and reporting secretariat—that group made up of the Executive Secretary and his assistants, the executive officers and their associates and assistants, and the secretaries and their associates and assistants—only fifteen came from countries other than the United States. An invitation was extended to all participating nations to supply personnel for staffing the Secretariat, but the matter was not pressed. Those representatives of other countries who offered their services made constructive contributions, and it is to be regretted that a more systematic effort was not made to increase the participation of non-Americans.

There was no ready reservoir upon which the Secretariat could draw for a hundred or more persons adequately trained and equipped with knowledge of foreign languages and familiarity with the field of international politics, law and organization. Within the State Department were many persons who met these requirements and they formed a nucleus, but many more were

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needed. Those in charge followed the wise plan of appointing a few men of special experience or competence to fill the key positions and placing upon them part of the responsibility for building up a competent staff in the short time available. By drawing upon various government agencies, including the Army and the Navy, through appeals to the economics, history and political science departments of the universities and colleges, supplemented by the research foundations and business firms, it was possible to recruit a staff which, though largely inexperienced in the actual conduct of international conferences, had some special familiarity with the subject matter.

A proposed manual of organization and procedure had been prepared within the State Department. Most of the members of the Secretariat had an opportunity to examine this manual during the trip to San Francisco. Informal staff conferences were also held on the train with the manual as the basis of discussion. Although much of the material in the manual did not prove practicable when the Conference actually got under way, it did serve as a useful instrument for thinking through the problems of organization and procedure which were likely to occur. When the committee sessions began at the end of the first week, the Secretariat had already had some opportunity to get the feel of the job through its participation in the reporting of the preliminary meetings of the Steering and Executive Committees. This work was rotated among several of the secretaries and assistant secretaries. It proved a useful form of indoctrination.

Throughout the entire Secretariat there existed a fine spirit of interest and devotion to the work before them. All who were present knew that they were fortunate to be participating in an undertaking that might affect the future history of the world, and this realization added to the zest with which they went about their work. Morale was high, a spirit of constructive cooperation pervaded the atmosphere, and an excellent *esprit de corps* existed. All this was reflected in the work; in general, the level of efficiency was remarkably high and the points of friction infrequent and inconsequential. The short time which was required to weld together an organization which turned out ex-

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tremely large volumes of complicated documentation with a minimum of error was a source of pleasant surprise to everyone concerned.

IV

The Conference opened in the usual fashion with a series of plenary sessions in which the heads of the delegations stated their general views concerning the goal to be attained by the new international organization. Graceful and appropriate tributes were paid to the memory of President Roosevelt and his abiding interest in world security organization. Many delegates also took the opportunity to point out what they believed to be some of the basic shortcomings which had prevented the League of Nations from achieving its goal of an assured world peace. The unanimity with which delegates stressed the imperative nature of the task before the Conference was a favorable augury for its success. In all, thirty-seven delegations presented their views in the eight plenary sessions which constituted the opening phase of the Conference.

In the meantime, the troublesome question of the presidency, discussed above, had been solved, and the Conference was prepared to begin its major task. Since many lengthy statements of national views had been made in these plenary sessions, it was decided, with the approval of the presidents of the four commissions, that, except for an initial organization meeting, the commissions should not hold regular sessions until after the committees had completed their work and were ready to report to the commissions. It was felt that this decision would result in a saving of several days, and that no great amount of harm would be done, as these initial commission meetings would have been filled with restatements of general views which would not be of fundamental value to the subsequent deliberations of the committees.

Thus the first committee meetings were held on May 4 and active committee work began at once. The basic documentation of the committee was, of course, the Dumbarton Oaks draft, together with the supplementary proposals which the sponsoring Powers had agreed upon, and which were now distributed to

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the delegations, and, finally, the observations and amendments proposed by the other delegations. The documents in this last category were, quite naturally, voluminous and varied. In order to prevent unnecessary confusion, the Steering Committee had fixed May 4 as the dead line after which no delegation could present new proposals without the approval of that body. When this time limit had expired, the International Secretariat published both the English and the French text of the proposals in large, conveniently indexed volumes and distributed them to all delegations. In addition, most of the committee secretaries prepared special summaries of the various recommendations pertinent to the work of their own committees. These were prepared as parallel texts with the sections of the Dumbarton Oaks proposals and the revisions, if any, which the sponsoring Powers had already agreed upon. Since the dead line for the submission of new amendments had, unfortunately, been fixed ten days after the opening date of the Conference, the committees were necessarily delayed for a few days while this work of assembling and publication was being completed. It need hardly be said that this was a period of intense activity for the Secretariat.

The procedure of the twelve committees, once these documents were in their hands, was far from uniform. For example, certain committees took up all the amendments pertinent to all those sections of the Dumbarton Oaks draft which had been assigned to them, and did not vote any final texts until after this process had been completed. Others took up those amendments which applied to a particular paragraph of the Dumbarton Oaks draft and, when they had finished, then voted a final text of that paragraph before turning to the next one. Still others appointed a subcommittee, headed by the rapporteur, to prepare a preliminary report on the scope and nature of the work to be dealt with by the committee. In some committees the rapporteur prepared a final report on each section of the committee's work, which was approved by the committee before it turned to the next portion of its business. In others, the rapporteur made no report to the committee until the texts had all been voted, when a final report on the work of the committee could be made ready for submission to the commission.

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It is needless to say that the major work of the Conference was carried on in these committee sessions. Discussions were long and searching, and debate was virtually unlimited. Although later in the Conference, in an effort to expedite the work, the Steering Committee did vote authority to committee chairmen to limit debate both as to time and as to the number of speakers who could address the committee on each side of a controversial issue, in practice these suggested limitations were seldom applied, and the committee chairmen seldom made any effort rigidly to control the course of debate. When, as frequently happened, discussion in the full committee would indicate a substantial divergence between the majority point of view —which was naturally that of the smaller and middle-sized Powers—and the considered views of the sponsoring Powers, the usual device was to appoint a subcommittee to attempt to secure a meeting of minds upon a formula which might satisfy all concerned. Thus, in the case of the much-publicized discussion of the "veto" powers of the Permanent Members of the Security Council, many objections were raised in committee to this feature of the Dumbarton Oaks plan as it had been completed at the Yalta Conference. In addition to the objections to the veto in principle, many delegations asked detailed questions as to situations, particularly relating to procedures of pacific settlement, when this veto would or would not apply. Delegations were asked to submit these questions to a special subcommittee formed for this purpose, and the subcommittee correlated them and presented them to the sponsoring Powers. Eventually, the "Big Four" and France, whose representatives had held many meetings on the question, reached agreement on a general statement which they held to be an answer to the questionnaire. This reply, which, incidentally, was summarized at a special meeting of the Steering Committee, was then given to the subcommittee which referred it to the plenary session of the committee.

Perhaps the chief service performed by any subcommittee was in drafting final texts for committee approval. It was also, however, a necessary device for the consideration of decisions reached in other committees which dealt with matters relating

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to the competence of the committee in question. Where disagreements were fundamental, the normal device was the creation of a joint subcommittee of the two committees. If this device proved inadequate, the matter was referred to the Steering Committee or the Executive Committee.

Th organization of the Conference had not provided for the correlation of the work of the various committees while they were in the course of their deliberations, and it was necessary to meet this need by calling occasional informal meetings of the chairmen and rapporteurs of the committees together with the presidents and rapporteurs of the commissions. These officers met with the Executive Secretary, and the executive officers of the commissions and their assistants, thus constituting a kind of *Bureau* for the correlation of Conference work at this stage.

The volume of Conference work—which sometimes resulted in the publication by the Secretariat of as much as a million sheets of mimeographed paper a day—made it impracticable to publish a full verbatim record of all committee sessions. To have done so would have required an International Secretariat far larger than the one with which the Conference was equipped. Consequently, the Secretariat prepared and circulated within the day following each meeting a digest of committee discussion which contained a record of all votes and the decisions reached. It had been planned originally to make these digests brief, but several delegations objected to what they felt to be an inadequate record of the historic proceedings, and the digests were expanded gradually, so that, before the end of the Conference, they were long and detailed enough to meet the demands of all. These digests were circulated without clearance by the members of the committees, but objections to the record as circulated were noted in corrigenda which were distributed on the demand of any member. Each digest was mimeographed and circulated daily in English, French and Russian. In addition, a single paragraph *précis* of each meeting was separately published for the general information of delegates who wished to have a quick summary of what had gone on in the meeting. Also, a somewhat fuller summary of each meeting was published daily in the publicly distributed *Journal* of the Conference.

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Although the commission sessions and the plenary meetings of the Conference were open to the press, the technical committee meetings were not; and attendance was restricted to persons having full Conference credentials. In order to provide the press with some information concerning committee work, a press communiqué was prepared by the committee secretary, approved by the chairman, and released to the press shortly after the end of each session. In addition, the committee chairmen frequently held press conferences at the end of daily sessions. These arrangements were not wholly satisfactory to the press, and in practice there was little secrecy concerning happenings in committee because the many newspaper men in attendance at the Conference could usually interview a number of delegates and piece together a substantially accurate and detailed account of what had actually gone on. While there were good reasons of an obvious nature for refusing press attendance at committee sessions, it cannot be said that the result was altogether happy. In retrospect it appears as if it might have been better to have permitted some kind of limited press attendance, provided a satisfactory scheme of selection could have been worked out which would not have taxed physical facilities unduly and which would have been acceptable to the Conference delegations.

In view of the historic importance of the Conference, it would have been desirable to have had a full, officially cleared, verbatim record of all the committee meetings, but, for the reasons indicated above, this was virtually impossible. A partial substitute consisted of the informal preparation of a verbatim record for the use of the committee secretaries in preparing their digests. These records, which were kept by stenotypists or court stenographers, were open to inspection by committee members upon request, and they will ultimately be deposited in the archives of the new organization. Since, however, they were not cleared by obtaining approval of the participating delegates, their value as historic documents will be somewhat limited. It should be added that this arrangement, while it did not pass without criticism by some delegates, was generally approved, in view of the general desire to expedite the work of the Conference by all possible means.

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A comparison of the Dumbarton Oaks draft with the final Charter will show that the committee work was by no means limited to a discussion which ended in committee acceptance of the draft which had been prepared and submitted by the great Powers. It is true that many of the numerous changes which were made in the Dumbarton Oaks draft were those which were agreed upon and submitted to the committees from time to time by the sponsoring Powers, but it is also true that many others were proposed by the smaller Powers and accepted by the "Big Four" and France. In other words, the committee work was of great utility in adding new portions of the text and in improving the phraseology of those sections of the draft Charter which were approved without substantive change.

Many of these committees met daily, and toward the end of the committee period some attempted to hold two sessions a day. Thus it frequently happened that six or seven of the twelve committees met during a single day. This attempt to hasten the conclusion of the Conference had two effects which provoked a considerable amount of understandable criticism. Some of the smaller states had only a limited number of delegates available for committee meetings, and these men were pushed to the limit of their physical endurance by the demands upon their time. The other difficulty was that this schedule of meetings in the morning, afternoon and evening left little or no time for the various national delegations to hold their daily caucuses in order to reach agreement upon the attitude which their representatives should take in the committee meetings of the following day. There was no opportunity for these all-important meetings except in the late hours of the night or in the very early hours of the morning, and it is remarkable that, as the weeks wore on, the tempers of the delegates did not become even shorter than they did. It is true that this accelerated schedule held speech-making to a minimum; but there was a loss, in that properly matured consideration could not always be given to matters which were weighty enough to merit it.

The voting procedure in the committees was the same as that for all other bodies of the Conference, namely, that votes on substantive matters required two-thirds of those present and

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voting, while procedural decisions could be reached by a bare majority. On a few occasions, such as the final committee vote on the approval of the Yalta voting formula for the Security Council, many delegates abstained from voting, but these occasions were relatively rare. However, delegates who objected to the majority view usually signified their opposition by abstention rather than by negative votes.

As rapidly as the committees approved sections of the text these were forwarded, often in piecemeal fashion, to the Coordination Committee which had the difficult task of systematizing phraseology, of noting disagreements in substance as well as in terminology, and of rearranging the sections of the Charter in a logically satisfactory form. Trouble inevitably developed at this stage because changes in phraseology, while desirable from the point of style and sometimes of logic, frequently overlooked some of the considerations which had led the committees to decide upon a particular form of expression. Suggested changes of any importance necessarily had to be referred back to the committee for its approval, and it began to appear at one stage as if this process might consume an inordinate amount of time. The problem was solved, at least partially, by asking the committee secretary to sit with the Coordination Committee when texts emanating from a particular technical committee were under consideration. This was a useful arrangement, and, once it was adopted, progress became more rapid.

An Advisory Committee of Jurists had also been created to examine those portions of the text which raised problems of a legal character, but in practice it was found that most of the problems could be solved more expeditiously in the Coordination Committee where many of the representatives were of the highest juristic competence.

While the Coordination Committee was wrestling with its tasks, the committees gradually finished their work and adopted the reports of the respective rapporteurs for submission to the commissions. It was anticipated that some delegations which were dissatisfied with the decisions taken in committee might seek to reopen the matter when the commision heard the report. Actually, this fear was almost entirely groundless. On a few

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occasions, when the committee reports were presented to the commissions, delegations did reiterate statements of disagreement in order to have them recorded in verbatim form on the public record, but there were very few attempts either to try to have the commission vote favorably on matters which had been passed over in committee or to have the commission reverse the action taken by the committee.

Thus, most of the commission meetings were largely of a formal character. Committee reports were presented, a few statements on each were made from the floor—and nearly all of these were of a laudatory character — and the report was adopted by the commision without a record vote.

It had been anticipated that each commision, which in general had devoted no more than a single session to the report of each committee, would hold a final meeting to approve its portions of the text as they emerged in definitive form from the hands of the Coordination Committee. But time was pressing, as always, and the presidents of the commissions agreed that no great harm would be done if these final meetings were eliminated, and if the final text, as a whole, would be submitted directly to the Plenary Session of the Conference. This procedure was followed, and the Charter was approved in its entirety at a final Plenary Session.

There had been agreement that the Charter would be signed in all five of the official languages of the Conference. Consequently, as the Coordination Committee finished its work, there was an agreed English text only, though many of the committees had undertaken to approve official texts in French as well and these had been examined by the Coordination Committee. The task, therefore, remained to check the final French text with the English and to prepare legally satisfactory texts in Chinese, Russian and Spanish. This was of the highest importance, as the Charter stipulated that it was to be equally authoritative in all five languages. The problem was met by the creation of a series of language panels, each of which consisted of persons who had an expert knowledge, not only of the language which the panel in question was considering, but of at least one of the two working languages in which the basic drafting had been done.

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How successful these panel members were in producing texts which will not give rise to conflicting interpretations is a matter which only time will disclose; but it is only fair to point out that this linguistic problem was one of almost unparalleled complexity, as it is doubtful if any previous international document has been drafted in so many languages each of which was stated to be equally authoritative. It is also fair to point out that this portion of the work was done in almost unseemly haste in order to meet the Conference dead line which had already been set. It is a tribute to the skill and the sheer physical stamina of the members of these panels that they were able to finish their work in the allotted time; it will be little short of miraculous if some errors of interpretation did not occur.

Several aspects of this Conference procedure may be commented upon briefly. The first is the fact, which has been noted above, that the rôle of the commissions as such was comparatively unimportant. It cannot be said that the interposition of the commission stage in between the committees and the Plenary Session caused any great waste of time, but it is also true that the commission work added little of fundamental importance to the work of the Conference. Actually, the commission work was largely that of a *pro forma* ratification of the results achieved in the technical committees.

Another feature of Conference procedure which was of dubious value was the overinsistence upon haste in completing the work. It is understandable that all delegates were busy men who were anxious to be able to return to their regular work as quickly as possible, but it is also understandable that many of the men would have preferred to have had a little more time in which to give final consideration to the completed document. Had this been possible, some of the awkward stylistic features could have been polished in a fashion appropriate for a document of such fundamental and enduring importance. Also, the Conference was not helped by frequent public statements concerning terminal dates. When each of these dates had been passed, and the Conference was still busy at work, the public was given the wholly erroneous impression that the schedule was being broken because of unanticipated difficulties and disagree-

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ments. Actually, there were no more such disagreements than could have been reasonably anticipated in such a meeting.

But, withal, these are relatively minor matters. The point is that the Conference did succeed within a period of nine weeks in producing a constitutional document of immense potential importance. For the first time, all the great Powers are now pledged to take part in the work of an organization to maintain international peace and security. If they, and their colleagues from the smaller and middle Powers, maintain a spirit of collaboration, the Charter, rough hewn though it may be, will still provide a fully adequate mechanism to shape the ends of human endeavor to the ways of peace.

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ON CERTAIN CHARACTERISTICS OF AMERICAN DEMOCRACY

IN a world barely rid of the threat of Nazi dictatorship in which the American people seem girded for the herculean task of spreading democracy across the face of the globe, it is important to ask, what is this American faith with which we would endow the people of the earth? Can it be described so as to make it acceptable to folk steeped in other traditions, and, if made acceptable, can it also be accepted? Is democracy a doctrine written in a book that may be learned by heart, or is it something that cannot be encompassed in any theory, incarnated in any constitution, or detailed in any system of law? Is democracy something that can be taught? Or is it something that can be learned only by practice, and is the practice itself conditioned by a historical process that cannot be repeated on order for any other people? It is really a question raised in response to the present effort to create democratic régimes in other parts of the world—by order from above, by laws copied from the experience of other peoples, by ideas that have their roots in a specialized historical experience. Can the lessons of one culture be passed to another without losing the very essence of the lesson they would teach, the very meanings that give them substance?

The ethos that pervades any social system is a very private, a very unique, multiple of values. It is a summary—an unwritten summary—of all the efforts, strivings, success and failures of all the past that makes the present what it is. The ethos cannot be passed on. The practices which the ethos dictates have special meaning only in the setting where they have arisen. No formal declaratory statement of how democracy is practiced can make any other nation democratic. No machinery of election to office, no given system of law is adequate for the purpose. Democracy is a function of the past experience of a people and will differ as the ethos of the people differs. It may be true

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that there are democratic elements in any society, and that a certain genus of education might in time nourish and cultivate a democratic way of life even in a nominally nondemocratic community, but the emerging pattern of government would in some measure be encompassed by the traditional mores of the people who were being educated in the democratic way of life. If the new way of government proved incompatible with the peculiar ethos of the society where it was being developed, it would in the long run prove intolerable and unacceptable. Democracy beyond all other forms of government belongs to the people and must in some way fit in with a native slant and a native meaning, or it can have no meaning.

This is not an argument that no new lesson can be learned from a new experience; but, if the new lesson is not to prove ephemeral, then in some subtle measure it must be a continuation of the older lessons learned long since and embedded within the system of values that the people already have. If we would teach democracy to the peoples of the world, we must teach it on local rather than foreign foundations. The way of life must in the long run prove consistent with their inner sense of values. It must, in fact, by some magic appear to be and, in fact, be a continuation of their own past. The problem is subtle, difficult, and may prove beyond the competence of mere mortal men. But the lesson is clear—as clear as crystal. You cannot give peoples a set of permanent values which do not fit in with what they have already learned from their own old and painful history. Perhaps you can give a new slant to an old meaning, but no nation can be given a new set of values, new mores, a new ethos. If our task is not to prove futile, if our good intentions are not to turn to bitterness and taunt us with our failure, then we must seek in the basic experience of the peoples themselves the lesson of democracy we would teach them. Their history is as peculiar to them as our history is peculiar to us, and we cannot improvise a new system of values for other peoples, just as no one could improvise a new system of values for us.

American democracy is what it is. It is not commensurable with other democracies, and it is largely immune from exterior currents of thought and action. Much has been said about the

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easy spread of autocratic ideas and ideals. What has not been said is that autocratic practices came to the surface and achieved implicit consent only in those parts of Europe where democracy had not prevailed before. As a simple statement of fact, totalitarian theories found substantial root only in countries where democratic habits did not exist before; for democracy is a habit, a way of life, a process of social relationship. It is not fundamentally a theory of government; it is a method of government that derives its consent from each person governed—even from those who oppose the specific things that the government may do. One may in a democracy oppose all of the actual polices of the administration and yet believe in democracy, because the methods of achieving the defeat of the present administration are also democratic. In a democracy, he who has a concern has a voice; and the voice of each counts for one—and only for one. The rest is a matter of counting. The right to a voice, the personal conscience in expressing it, the freedom to utter an opinion—even a wrong one—and the honesty of the count are all essential elements of any democratic society. Underlying it is the belief that the experience of the many is more inclusive than the experience of the few; that the voice of the people is the voice of God; that what the people want is what they need. There is the further belief that no one knows better than the people themselves what they need at the moment. In a democratic society it is just as important to possess the right to be wrong as the right to be right; for in any society where a wrong opinion cannot be uttered it is not possible for long to utter a right opinion. In the long run, wisdom is tested by experience. No one can be sure that his own judgment is not in error, and he who has not the right to be wrong cannot long possess the right to be right. All of these elemental facts are true of every society where democracy is a habit, but American society contains elements that give the above special poignancy.

Ours is a social democracy. Neither class nor caste, nor special families dominate American life. We have no aristocracy. Those of our families that would draw an aristocratic mantle over them were born yesterday, and will have disappeared tomorrow. A list of the prominent leaders in American life

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would reveal that their fathers or grandfathers were farmers, peddlers, laborers, skilled mechanics, or lawyers' clerks who starved in boyhood, and achieved standing by the grace of good fortune, personal ability, and the wealth of a growing industrial society. The record will also show that many of the aristocrats of yesterday have today shrunk back into the mass and are indistinguishable from them; for in American social life the test of status is a test of immediate achievement. He who survives must do so by his own works. No one in America can long live on his past, or on the past of his fathers. What you do—that is the fundamental test of American life. There is a vertical flow in the United States that works both ways, and the movement upward of new elements is compensated for by a movement downward. While wealth may be important, it too is temporary. Many a wealthy family of yesterday is in poverty today, and the papers record, almost daily, the death in poverty of the scion of a wealthy father of a generation or two ago.

With the absence of class and social stratification goes an almost complete racial democracy. In the last century we have absorbed some thirty million foreigners, who came from all parts of the world. Literally every racial element in the world has gone into the making of the American community. Into the make-up of the American population have gone many thousands of English, Irish, Scotch, Italians, Poles, Russians, Danes, Swedes, Finns, Bulgarians, Turks, Armenians, Spaniards, Jews, Greeks, Germans, Chinese, Negroes, Mexicans, and representatives of every other racial and linguistic group in the world. In the same community, often in the same industrial establishment, there have been, and there are, representatives of twenty different racial elements. After the first generation they are all Americans—a curious kind of cultural absorption has pervaded the atmosphere, and has bred a new race out of the diverse elements of the world. While it is true that some elements have been more recalcitrant to absorption than others, it is also true that all elements have been proud of becoming Americans, and almost pathetically insistent in shedding the evidence of their origin. Intermarriage and a common public school system have done their work so well that in the United States, for more than

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fifty years, the source of origin has almost completely evaporated as a cause of separateness. While it is true that special elements can be pointed as a contradiction of what has been said, it is still true, however, that the process of absorption has been infinitely more rapid than the process of stratification. At the present rate of integration an American will, in the near future, have elements of so diverse a racial basis that separate identification will become meaningless. The Negroes have for obvious reasons been less readily subject to this process of physical incorporation, but anyone who would deny that it goes on, and at an increasing rate, is not really aware of the social process in American life.

Social democracy and racial democracy have gone hand in hand with religious democracy. There is more than religious freedom in the United States. There is almost a kind of religious inventiveness in the American community. Not only have the broad religious beliefs, brought over from the old world, had complete freedom to develop as they could, but an incredible number of American-born credos have risen and flourished. American ground seems to be specially favorable to new forms of faith—and, some of these new forms have become large and influential institutional groups. One need but mention the Mormon and Christian Science churches to make the point. There are, however, innumerable small sects. The city of Los Angeles is famous for the variety and the number of religious faiths that are to be found there. Not only has every religion been free to flourish and grow but every new religious form has found fertile ground. The conflict between the churches has taken the form of a competition for adherents. The denial of the completest freedom of worship is practically nonexistent, and the few voices of opposition have been lost in the general indifference to the issue raised. In the United States the worship of God is so varied that men profess their faith in every kind of temple, in every tongue, and in every form. The semi-hysterical public baptisms among Southern Negroes, on one hand, and the stately formal ritualism of the Greek Church on the other, are but bare elements of a scale that runs as wide as the human imagination.

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Ours, too, is a political democracy in the specific sense of political organization. Foreign observers are often misled when they note the preponderance of two political parties. They should note that in both the Democratic and the Republican parties there are elements so diverse that under different conditions a great variety of parties could be constructed out of them. That they have not been is due to two very distinctive elements in American life. The first is the fact that local issues can be fought out locally, the party label being significant only in its national aspects. A conservative Democrat from Mississippi and a radical Democrat from New York meet only on the national issues. The second is that third parties in the United States have been fluid and temporary. They have lasted long enough to demonstrate that they really represented a considerable element in the voting population. As soon as that became evident, the larger and older parties have tended to absorb them by taking over their programs. That happened with the granger movement, with the prohibition movement, with the movement for old-age pensions; and these are but samples of a wide political process. The large parties, in spite of their seeming narrowness and definiteness, have really survived only because in the long run they have been open to groups as soon as these groups show sufficient importance to become a factor in winning an election. It is for that reason, in part, that in the United States there are at times numerous political parties. Our political parties are, in spite of their appearance historically, responsive to public demands—that has been their price for survival.

Part of this process is a kind of fluid economic democracy which has long pervaded American life. No one can understand the United States who does not understand that there is a persistent process of distribution of income that affects all groups. There is no economic interest that is not organized. There are large and frequently conflicting organizations of labor and innumerable organizations of capital, each seeking, and at times each in its turn successfully, to influence public opinion in its favor. There are groups in favor of the tariff and groups opposed to it; importers oppose the manufacturers; water

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transportation interests are in conflict with the railways; the railways oppose road transportation; and all of these may object to air transport subsidies. Agricultural interests are frequently in opposition to manufacturing interests, and agricultural groups may be sharply divided among themselves. The cane sugar growers are in conflict with the beet sugar growers, and both of these oppose the sugar importers. The fact is that there is a kind of divergence of interest in American life that is all-pervasive. Each of these interests has its own organization; each in its turn influences and on occasion secures public favor and governmental aid; and each in turn affects the distribution of income of the American people. No one person, no one group, completely dominates the scene, and each group must be constantly on the watch to maintain its position. The effect of this upon the making of American democracy, a sensitive and responsive instrument of public policy, is great, indeed. It makes for lack of consistency in politics, but it also makes for freedom and for a shift of power as immediate needs, immediate pressure, and political acumen seem to require.

These various factors demand a kind of equality before the law, and a kind of weighing of the place of public interest as against purely private interest that gives the American judicial system and the American Supreme Court, in particular, a place in the scheme of American life that is difficult for strangers to understand. It also calls for a complete freedom of the expression of opinion. No such complex economic and social structure could survive unless each interest could make itself heard, unless each grievance found a voice, unless each group could influence public opinion and public policy. Without freedom of speech, press, assemblage and organization, American democracy could not function. It can be said that freedom in that sense is as available in the American community as can be expected in a social structure as large, varied and sectional as ours is. Occasionally and locally an attempted stratification of opinion takes place, but it has always been temporary and always localized. Freedom is essential to the American economic and public life, and both the conservatives and radicals believe in it for themselves, and, therefore, for others. But such great di-

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vergence can survive only upon an assumption that the end in government is not victory but compromise. That explains the good fellowship that follows a heated campaign for office, that is why no one assumes that defeat in a political campaign is the end of his program, that is why the day after election the preparation for the next election may be said to begin. With us democracy is a method. The end, if one may be said to exist, is to persuade the majority to our point of view, and if we fail today, we may succeed tomorrow. With us the majority is right, but only temporarily. We will be right tomorrow, for the time being, as long as we have enough voters. The American way is by compromise in little bits, by persuasion, by much talk and little bitterness; and if the next fellow is wrong today, we were wrong yesterday, though it is hard to admit. With us all political bargains are temporary, and all programs are for the day. No great battle is ever lost, and no great victory is ever won. When the day is over, and the new party comes to office, it continues the program that it denounced yesterday, largely because it would lose its adherents if it changed it. Our differences are about details of method and program; the basic ends are a good life and freedom of method in achieving it. These are so deeply ingrained as to be descriptive of what we call the American democracy.

Frank Tannenbaum

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JUSTIFICATION OF POWER IN DEMOCRACY

THE problem of power—command and submission—belongs in the category of the most complicated problems which disturb the thought and the conscience of man. Who has the right to command, and within what limits has he the right to do so? Who is obliged to obey, and what are the limits of this obedience? It is significant that among the temptations brought before Christ by Satan was that of power. "And the Devil said to him: 'I will give you all this power and their splendor, for it has been turned over to me'" (Luke 4: 6); "'I will give all this to you, if you will fall on your knees and do homage to me'" (Matthew 4: 9).

Mankind has grappled with this problem many times throughout its history. It arises with special frequency in the so-called critical eras, in periods of anarchy, war and revolution, when history gives people and nations lessons in law, politics and social organization. Our own era has proved to be especially instructive in this respect. Two world wars and an endless series of upheavals and revolutions have furnished material for all sorts of deliberation on the eternal theme. On the other hand, all that our generation has lived through has brought about the need for a reëxamination of the old solutions in the light of new experience.

Noteworthy in this respect is the last work of the late Guglielmo Ferrero. After having devoted a lifetime to historical research, the Italian scholar concluded his life's work by an analysis of "The Principles of Power". One can disagree with his general approach and with his conclusions. They may seem somewhat one-sided and to a certain extent determined by his personal experience—his opposition to Italian fascism and to what happened in France. One cannot, however, turn away from the problem, so forcibly revived, that *all* power, even that which has radically broken with the one preceding it, needs and seeks for itself sanction, legalization and recognition.

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With victory over totalitarianism, the problem of power, its organization and legalization, becomes all the more actual and acute. It has already made itself felt in Italy, France, Yugoslavia, Greece and Poland. As time goes on it will become universal. The political order which will be established in the countries liberated from occupation or the influence of the Axis will directly determine the possibility of the future pacification of the world on principles of general security. One will determine the other. The first three points of the Declaration regarding Italy, adopted at the Three-Power Conference in Moscow on November 1, 1943, have clearly established such an interdependence between the national régime and international order.

How can power be made acceptable, stable and authoritative in the organization of national and international order? To solve this problem successfully in the world of concrete facts it is instructive to follow its development in the world of ideas.

The problem actually arose, and began to be empirically solved in one way or another, long before its existence as a problem was realized. The ancient world did not pose the problem of the *legality* of state power or of the basis for political command and compulsion. In this respect Aristotle did not differ from Plato, or Cicero from Polybius. They all equally accepted political power as a fact, and argued only as to the actual conditions of administration and realization of the "common cause" (*res publica*) or of the ideal forms of communal life. Ancient writers, however, did make a distinction between ordinary and extraordinary or constitutional laws, the purpose of which was *rem publicam constituere*, although the term "constitution", in the sense of state organization, began to be used in Europe only in the eighteenth century.[1]

Ancient democracy was not only a political but also a religious institution. The ancient Greek state (*polis*) was looked upon as a creation of the gods, veneration of whom was recognized as the first duty of both the citizens and the authorities. The state of the ancient world, though allied with paganism, admitted a multiplicity of cults. It was only the idea of mon-

[1] Georg Jellinek, *Allgemeine Staatslehre* (Berlin, 1929), p. 506.

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otheism, bringing with it the division into true believers, heretics and iniquitous systems of domination.[2] Here the Old Testament theocracy—the Hebrew state as described in the Bible—a power established by agreement or by "contract" between Jehovah, his prophets and the Hebrew people, remained for many centuries an example and a pattern to which the minds of builders of states and communities continued to revert. Christian thought and conscience, which did not reconcile itself with the new apostolic precept, *omnis potestas a Deo*,[3] also turned to the Old Testament and to the "convenant" made between Israel and God.

From the moment that a doubt arose as to the predestined immobility of the established order on earth and as to the truth of the precept *omnis potestas a Deo*, the birth of a new order of ideas and of their realization became inevitable. The doubt whether *all* power is from God was unavoidably followed by the further questions: if not all power, then *which?* Or perhaps, *no power is from God?* Then from whom is it? From the Devil? From man—*from one man, from several, from all?* At this point it became only a matter of time for individual doubts and questionings to assume the character of a general problem pertaining to legal power—*potestas legitima.*

Having originated among the faithful, tormented by problems of evil and sin on earth, of resistance to the Devil and of righteous service to God, the problem of the origin and vindication of power eventually spread beyond the boundaries of the religious circles within which was centered the spiritual energy of the Middle Ages. In the theology of the twelfth and thirteenth centuries lay the sources of those ideas that later destroyed medievalism and opened the way to that new world of

[2] *Ibid.*, p. 325.

[3] "Everyone must obey the authorities that are over him, for no authority can exist without the permission of God; the existing authorities have been established by him, so that anyone who resists the authorities sets himself in opposition to what God has ordained, and those who oppose him will bring down judgment upon themselves.... They are God's servants, to execute his wrath upon wrongdoers. You must obey them, therefore, not only to escape God's wrath, but as a matter of principle, just as you pay taxes; they are God's ministers, devoting themselves to this service." Paul, "The Letter to the Romans", *The Complete Bible* (Chicago, 1942), p. 151.

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ideas and institutions which are to this day struggling for recognition. In the same measure as contemporary democracy is connected ideologically and historically with the French, American and English revolutions, the last-named is indissolubly connected with the Reformation.

The delimitation, scholastic in its inception, of the *principle* of power (originating from the Creator of all things) and the *means of realization* of power (originating from the people, as the sole agent empowered to organize itself in accordance with its own aims) was confirmed by the greatest authority of the Middle Ages, Thomas Aquinas. During the following centuries this idea served to inspire not only Catholic legal consciousness. When the *Summa Theologica* strove to prove that "A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler... consequently there is no sedition in disturbing a government of this kind ",[4] it laid the foundations both for the doctrine of the monarchomachs of the sixteenth and seventeenth centuries and for the theory of the "contract" origin of power, of popular sovereignty.

> First of all, if to provide itself with a king belongs to the right of any multitude, it is not unjust that the king set up by that multitude be destroyed or his power restricted, if he tyrannically abuse the royal power. It must not be thought that such a multitude is acting unfaithfully in deposing the tyrant, even though it had previously subjected itself to him in perpetuity; because he himself has deserved that the covenant with his subjects should not be kept, since, in ruling the multitude, he did not act faithfully as the office of a king demands.[5]

The idea of power originating from the people (power from God ensues only *indirectly*, whereas from the people it ensues *directly*, taught Suarez in the beginning of the seventeenth century), as well as the idea of the legality of uprising against a

[4] St. Thomas Aquinas, *The Summa Theologica*, literally translated by Fathers of the English Dominican Province (London, 1917), p. 518.

[5] St. Thomas Aquinas, *On the Governance of Rulers* (*De Regimine Principum*), revised edition, translated from the Latin with an introduction by Gerald R. Phelan (London and New York, 1938), pp. 58-59.

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rebellious tyrant who has transgressed his unwritten contract with the people, and even of the destruction of the tyrant, was taken by the Protestant writers from the Catholic. The Protestants, in their turn, made a considerable contribution to the development and final formulation of the theory *Vindiciae contra Tyrannos*—or the "lawful power of the Prince over the People, and of the People over the Prince", as was entitled the work of an unknown author, signed Junius Brutus and attributed to Duplessis-Mornay.[6] The massacre of Protestants on St. Bartholomew's Night in 1572, and the assassination of the French king Henry III by the Dominican monk Jacques Clément in 1589, give concrete evidence of the passions then tormenting the souls of men. These events vividly illustrate the manner in which an abstract and "grey" theory is capable of passing into a kynetic state—of developing from the tidy writings in theological volumes into the street shouts of an unruly mob.

The paradox of history lay in the fact that the monarchomachs, in their struggle against one or another tyrant, were at the same time combating absolutism, then in the process of advancing to the forefront of the historical scene. Though they appeared in this respect as a force battling progress, they contributed greatly to the positive formulation of the problem of legal power, of its sources, and of the interrelation between the power and its "bestower"—the people. All that inspired the English revolutions of the seventeenth century, all that led in that same century to the Petition of Right, the Habeas Corpus Act and the Bill of Rights, was fundamentally prepared by the development of ideas of the preceding era.

With the treatises of John Locke on government, the problem of the restriction of royal despotism and the delimitation of the power of the people and the king acquired more general character. For every power Locke outlined the *absolute* limits, derived from the purpose of a state. He established the *inherent* and *inalienable* rights of the people—the conditions under which a people is relieved from any obedience to power, and,

[6] *A Defence of Liberty against Tyrants, or the lawful power of the Prince over the People, and of the People over the Prince,* reprint of the 1689 English translation, with an historical introduction by Harold J. Laski (London, 1924).

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having regained its initial freedom, has the right to safeguard its security by the establishment of a new and acceptable legislative power.

> When any one or more, shall take upon them to make laws, whom the people have not appointed so to do, they make laws without authority, which the people are not therefore bound to obey, by which means they come again to be out of subjection, and may constitute to themselves a new legislative, as they think best, being in full liberty to resist the force of those, who, without authority, would impose anything upon them.[7]

Those who later had to formulate in concrete terms the principle of the new order and the idea of constitutional power in the New World and for the European continent drew their ideas from the English philosopher's teachings. The authors of the declarations of rights in the American state constitutions, the framers of the Declaration of Independence of the United States, the creators of the so-called doctrine of the French Revolution and its teaching of constituent power, all drew wisdom from Locke's *Treatises* as well as from Montesquieu's *De l'esprit des lois.*

II

The prologue to the new formulation of the problem of justification of power included the " covenants ", constitutent acts and settler's agreements which emigrants from England to America concluded in their search for religious freedom and a righteous life. It was in the colonies of New England that the theory of the formation of a community by means of free consent and agreement, which alone sanctified the right to command and compel and the obligation to submit, was for the first time applied to actual life.

In the historic compact concluded by the settlers bound for New Plymouth, on November 11, 1620, on board the " Mayflower ", one reads as follows:

> . . .Do by these Presents, solemnly and mutually, in the Presence of God and one another, covenant and combine ourselves together

[7] John Locke, *Two Treatises of Government* (London, 1740), p. 235.

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> into a civil Body Politick, for our better Ordering and Preservation, hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; unto which we promise all due Submission and Obedience.[8]

This compact, signed by forty-one men, acquired the significance of a symbol of *how* "just and equal" laws ought to be established, when need for their revision arises, and on *what* should rest the new power created for this purpose. One hundred and forty-two years before the appearance of *The Social Contract or the Principles of Political Rights* by Jean Jacques Rousseau, there was created in actual life, and not merely in theory, a community originating from agreement and having for basis that same "common I" (*moi commun*) on which Rousseau insisted. Throughout a number of generations thereafter, the creators of the transatlantic republic learned by their own experience to appraise in a positive sense the constituent enactments of their forefathers and to see in "the will of all" the only legal basis for political domination. "Where a people are gathered together the word of God requires", declared the Fundamental Orders of Connecticut in 1638.[8a]

In 1641 the General Assembly of Rhode Island adopted, through the counsel of Roger Williams, a decree in which it was stated that the government of the island "is a *Democracie* or Popular Government; that is to say, it is in the Power of the Body of Freemen orderly assembled, or the major part of them, to make or constitute Just Laws, by which they will be regulated, and to depute from among themselves such Ministers as shall see them faithfully executed between Man and Man."[9] About the same time the sovereignty of the people was proclaimed also in

[8] Ebenezer Hazard, *Historical Collections* (Philadelphia, 1792), vol. I, p. 119.

[8a] Benjamin Parley Poore, *The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States* (Washington, 1878), Part I, p. 249.

[9] *Records of the Colony of Rhode Island and Providence Plantations in New England* (Providence, 1856), vol. I, p. 112; Charles Borgeaud, *Adoption and Amendment of Constitutions in Europe and America* (New York and London, 1895), p. 6.

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the old Anglo-Saxon home—in the plan of "An Agreement of the People" presented by the General Council of the Army under the command of Thomas Lord Fairfax (under Cromwell) on January 15, 1648.[10]

"We the People of the State" or "of the United States" invariably retain the concentration of all power. "We" enact and establish this constitution for the United States as well as for the separate states of Pennsylvania, Georgia, Virginia, and so forth. "We" are the source of all authority which is delegated or which is granted by the constitution to the individual organs of power, and it is only "we" who have the right to alter the constitution itself and to revise it, while everything that "we" have not handed over to the authorities of the United States is retained as heretofore by "us", that is, by the people as a whole, as the initial source and foundation of power.

The idea that the initial and unlimited constituent power belongs to the totality of sovereign citizens and is realized in accordance with their own wishes received its formulation and wide diffusion, thanks to the theorists of the so-called natural law: Locke, Pufendorf, Wolff, and, of course, Rousseau. Jean Jacques Rousseau served as a source of inspiration for the builders of the new world in America and, to an incomparably greater degree, in continental Europe, beginning with France. After Rousseau's death in 1778 his influence increased; it was felt in the course of the American Revolution,[11] and still more so, of course, in that of the French Revolution, when he became the object of a special cult. On the 20th *Vendémiaire* of year III of the Revolution the remains of "the son of nature and truth" were transferred with pomp to the Pantheon; medals were cast, busts and statues erected in his honor.

[10] Cobbett's *Parliamentary History of England* (London, 1808), vol. III, p. 1263.

[11] "The body-politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common good", said the Preamble to the Constitution of Massachusetts of March 2, 1780, which served as the principal model of the Federal Convention of 1787. Poore, *op. cit.*, vol. I, pp. 956-57. Some authors share the opinion that here appears rather the influence of the Pastor John Wise of Ipswich and his treatise *A Vindication of the Government of New England Churches*, published in 1717 and twice reprinted in 1772, and certainly the influence of Locke. *Cf.* Borgeaud, *op. cit.*, pp. 15, 19, 20.

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Rousseau had the opportunity even in his lifetime to witness to what extent his ideas captured the imagination of his contemporaries. This admiration knew no limits of space and natural boundaries. Fourteen years after the appearance of *The Social Contract* the rebel English colonies in North America felt the need of proclaiming before the whole world the formulation of their belief as to what constitutes the basis of the subjection of man to man. In their search for a rational and "self-evident" justification of power, the Declaration of Independence found it, not in religious sanction, through the anointment of its bearer, and not in natural succession through inheritance. It was proclaimed as a self-evident truth that "Governments are instituted among Men, deriving their just powers from the consent of the governed." The Declaration of Independence gives a dual formulation of vindication of power—a negative and a positive one. It speaks of the conditions under which there arises for the people "the right" and "the duty" "to alter or to abolish it" (form of government) and "to provide new guards for their future security, ... to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." There is a close inner connection between the two documents—the Declaration of Independence and Rousseau's *Social Contract.*

As is well known, Rousseau is still depicted sometimes as an anarchist, because of his "Discourses" (*Discours sur l'origine de l'inégalité,* 1753, and *Discours sur les sciences et les arts,* 1759) and his *Emile;* and at other times as an advocate of extreme popular absolutism, because of his *Contrat Social.* It is true from the time of Mirabeau and Chateaubriand to our own day there has existed another point of view concerning Rousseau. According to this argument the continuous reference to the *Contrat Social* during the terroristic period of the French Revolution does not solve the question of the true meaning of the work and of the ideological frame of mind of the author.

The historical significance of the *Social Contract* is not in the establishment of the derivation of a social community from contract, but in its search for a *legal basis* and for a *vindication* of

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social institutions. Its aim is to find a *principle* which would elevate something that is merely factual, arbitrary and compulsory, to the rank of something which would be accepted as legitimate, being commensurate with reason and reconciling the interests of a part with that of the whole, of the individual and society, of each one and of all. The concept of law as the expression of the common will—this central point of the French Declaration of the Rights of a Man and a Citizen of 1789 (art. 6)—is taken in its entirety from the *Social Contract,* as is also the establishment of legal limits for the freedom of the individual (art. 4). In the words of G. D. H. Cole, Rousseau's desire "is to establish society on the basis of pure right", and thus the second title of his work, *The Principles of Political Rights,* explains the first—*The Social Contract.*[12]

For the attempt not only to define and proclaim definite rights, but also to determine the conditions and limits necessary for a political power to become legal, America, France, and the whole world are indebted most of all to Locke and Rousseau. The problem remains vital and still unsolved—even to this day. When an outstanding political scientist of our time, Hans Kelsen, writes[13]—"if we must be subordinate, we wish to be subordinate only to ourselves. Politically free is only he who is subordinate to no one's will but his own. In this sense the idea of freedom together with that of equality serves as basis for the democratic idea"—he is again rephrasing Rousseau, who wanted "to find a form of association... by means of which each, uniting with all, shall obey, however, only himself."[14]

It would be incorrect to identify the doctrine of the French Revolution and continental democracy with the views of Rousseau. This doctrine was formed under the influence of numerous and varied ideological and material factors. The views of Rousseau are usually compared and contrasted with those of Montesquieu, but in the doctrine of the French Revolution

[12] See introduction by G. D. H. Cole to the English translation of the *Social Contract,* edited by Ernest Rhys (London and New York, 1935), p. xv.

[13] H. Kelsen, *Vom Wesen und Wert der Demokratie* (Tübingen, 1920), p. 5.

[14] *The Social Contract,* translated by Rose M. Harrington (New York, 1893), Book I, ch. vi, p. 20.

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most historians of political ideas see a certain " middle course "—a combination of the ideas of Rousseau and Montesquieu. The first and most authoritative exponent of this line of thought was the oracle of the Third Estate, Abbé Sieyès.

III

That only the people or the nation—the " source " and " bestower " of power—is fully empowered to establish laws and order was an undisputed truth and a political axiom for all those active in the Revolution. Difficulties and dissensions arose, however, in regard to the problem of how to *reconcile* the various powers, legal and illegal, in their concrete manifestation, how to combine into a unified whole the opposing wills of the component parts: the power of the monarch and the will of the Estates General, the rights of the Third Estate and the claims of the two privileged orders, the interests of separate " communes " and " provinces " and those of the country as a whole, the legal powers of individual representatives and the idea of national representation.

Here Montesquieu's doctrine on representation and the moderating effect of *divided* authorities, when power restricts power, had a tremendous significance. Through its medium Sieyès, Mably and others moderated and tempered Rousseau's extremes. According to the words of the German scholar Egon Zweig: " Sieyès applied Montesquieu's terminology to Rousseau's ideas and thereby substantially disorientated the world of political conceptions." Sieyès found in the doctrine of the " *pouvoir constituant* of the nation the formula for the practical realization of Rousseau's dogma of sovereignty [of the people]." [15]

The formula found by Sieyès was as follows:

> The constitution is not the task of the established power, but of the constituent power. . . . Not only is the nation not subordinated to the constitution, but it cannot and must not be so subordinated, which is the equivalent of saying that it is not subordinated to it. . . . The nation exists *before* everything; everything originates from it. Its will is always legitimate, it itself is law.

[15] E. Zweig, *Die Lehre vom Pouvoir Constituant* (Tübingen, 1909), pp. 137, 135.

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In the case of divergence among the separate elements of power, the supreme judge (*le juge suprême*) is the whole (*l'ensemble*), the nation. For the creation of a constitution it is necessary to have representation which is endowed with *extraordinary* powers, granted for a limited period of time for the carrying out of this special task.[16]

With the development of revolutionary events Sieyès began to deviate from his original point of view which was closer to Locke and Rousseau. Presenting his project of a Declaration of Rights he argued that "it was not at all necessary for each member of the community to exercise his constituent power individually; they could entrust this task to representatives who would assemble for this purpose only, without exercising any one of the established powers."[17] Later, already in the Convention on the 2nd *Thermidor* of year III (July 20, 1795) Sieyès ascribed to the French people and to himself the achievement of establishing even before the revolution[18] "the healthy and necessary idea of the separation of the constituent power and the established powers." He believed that this idea "will be placed among those discoveries which mark a progress in science."

But the persistent opponent of Sieyès, Lafayette, was fully justified in remarking that such a differentiation had been made two years before the French Revolution in the texts of the constitutions of the United States. Lafayette was also right in his other contention that among the members of the French Constituent Assembly there was "a great ignorance regarding the American principle of *conventions* which is not a body assembled for the exercise of all the powers, as it exercises none of them, nor is it a supreme dictatorship, but just a delegation of national sovereignty for the study and the modification of the

[16] Abbé Sieyès, *Qu'est-ce que le tiers état?* (Paris, 1882), pp. 160, 162, 189.

[17] R. Carré de Malberg, *Contribution à la théorie générale de l'état* (Paris, 1920-1922), vol. II, pp. 488-89, 522.

[18] "Une idée saine et utile... c'est la division du pouvoir constituant et des pouvoirs constitués. Elle comptera parmi les découvertes qui font faire un pas à la science." The monograph of Sieyès *What Is the Third Estate?* was written by him in 1788 at the time of the Assembly of Notables and was out of print by January 1789.

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constitution." [19] As Charles Borgeaud later argued: the American constitutional convention " is not sovereign. It is merely a committee on the constitution, charged with the preparation of an instrument to which the approval of the people can alone give the force of supreme law." [20]

The distinction and the separation of the constituent power from all others are justly recognized as traditional in French constitutional law. But as regards the scope of authority of the constituent power—whether it is omnipotent or limited—there are two points of view and both are backed by precedents and tradition. The theoretical and juridical tradition stands for the limitation of the power of constituent assemblies; the texts of the constitutions of 1791, year III, and of 1848 are also in favor of it. On the other hand, there exists another tradition of historical facts which testify that the French constituent assemblies of 1789, 1793, 1848 and 1871, convoked the day after political outbreaks or a state overturn, *could* in practice consider themselves as endowed with full and unlimited sovereignty. This factual tradition or " authentic precedents ", according to a French author's expression, acquired a different force in French history than did the constitutional texts, which remained a " dead letter ". Does not the whole of French history loudly testify in favor of the unlimited power of constitutent assemblies?—justly asks the same author.[21]

It would be, however, an oversimplification to assert that, contrary to the French legal theory, the American concept rests on the negation of the plenipotency of the constituent assemblies, always and unconditionally. The great authority on the subject, Borgeaud, states that the American legal concept rests on the principle of the constituent authority being vested in the people, and on the belief, introduced into modern law by the Puritan Reformation, that such authority can be represented by no one and cannot be delegated. The exercise of constituent power in all its forms by a representative assembly,

[19] Lafayette, *Mémoires, correspondance et manuscrits du général Lafayette, publiés par sa famille* (Paris, 1937-1938), vol. IV, pp. 36, 201.

[20] Borgeaud, *op. cit.*, p. 183.

[21] Charles Lefebvre, *Étude sur les lois constitutionnelles de 1875* (Paris, 1882), p. 227.

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not given special powers to this end, is compatible with the English theory and practice, which make the Parliament an omnipotent and unrestricted sovereign. But it is irreconcilable with the American doctrine which has replaced the King, the Lords and the Commons by the people.

The practice of individual states in this respect differed. The conventions of New Hampshire really coöperated with the primary assemblies of its citizens. On the contrary, the conventions, elected in Virginia, for instance, to carry on the war against England, themselves assumed to declare the supreme law in the name of their constituents whom they believed they could represent for this purpose. Finally, the Massachusetts constitutional convention of 1780 took a middle position on this question. The secessionists of the Southern states, during the period of the Civil War, regarded their conventions as vested with full power. Before that, at various times, the same point of view had been upheld at constitutional conventions in the Northern states. "Sir, the people are here themselves. They are present in their delegates", declared Peter R. Livingston at the Albany convention of 1821. A delegate to the Illinois convention in 1848 expressed himself still more definitely. "We are the sovereignty of the State. We are what the people of the State would be if they were congregated here in one mass-meeting. We are what Louis XIV said he was,—We are the state."

The same force of facts bestowed full power on constituent assemblies everywhere, when, contrary to the legally provided order for modification of the state organization, the régime was changed and the new order formed as a result of a revolutionary upheaval, of a breach in the constitution and of a breakdown of the law. This was the case in England in 1641 and in 1688, in Belgium in 1830, in Spain in 1854, 1868 and 1873, in the Papal States and in Tuscany in 1849.[22] Likewise, the constituent assembly, convoked in France in 1871 to decide upon the special question of war and peace, did not in fact limit itself to this problem, but enacted a series of acts and statutes which served to determine the organization of the Third Republic.

[22] Borgeaud, *op. cit.*, pp. 138-39, 144 *et seq.*, 184.

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An analogy may be seen in Europe after the first World War, when, as a result of revolutions, constituent assemblies were convoked in Germany, Austria, Czechoslovakia, Poland, in the Baltic States and elsewhere. The Constituent Assembly in Weimar, the "statute enacting" Diet in Warsaw, the national assemblies with constitutent functions in Prague, in Vienna—all were equally engaged not only in the drafting of constitutions, but also in solving other pressing problems of general administration and legislation. They passed economic reforms, sometimes as complicated as the agrarian reforms, concluded international treaties which predetermined the boundaries of the state, the status of national minorities, obligations on reparations, and so forth. Some of these assemblies even declared and carried on wars. The Constituent Cortes of Spain in 1931 also broadened their powers beyond the limits of the framing of a new constitution.

A constituent assembly which revises the constitution in accordance with the rules prescribed by the constitution itself, and constituent assemblies which are convoked as the result of extraordinary events, in revolution or war, are entirely different types of assemblies. In the first case the constitution predetermines not only the general assignment, but also the scope and the limits of power. In the second case, there is not in fact, and there cannot be, any power which has the authority to confine the constituent assembly within definite limits, restrict its assignment, bind it in advance by established norms. If such a power did exist, if it had been preserved not only in name but as a reality, there would be no need for the creation and activity of a constituent assembly to legalize a new power.

IV

The French Revolution was the culminating point in the development of European rationalism, which, though rejecting faith, still firmly believed in the supremacy of reason and in the possibility of overcoming all the laws of nature and history by means of an active and conscious will. It is natural that it was in this period, when democracy itself was defined as the political expression of pure reason, that there came to be formu-

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lated the doctrine of the constituent omnipotence of the people as the instrument for the creation of a new, rational and just law. It is just as natural that the reaction against the doctrine of the American and French revolutions consisted primarily in a denunciation of the self-confident attempts to rebuild the world by means of reason. Burke in England, Joseph de Maistre and Chateaubriand in France, Adam Müller, Haller, Jarke in Germany, all argued passionately against the sacrilegious attempt to interfere with the organic and natural course of events established by Providence, against the unrealizable chimera of the new builders of the Tower of Babel, who by means of paper constitutions "composed like an ode or a tragedy" (de Maistre's expression) strove to create artificially a perfect political power.

This trend of thought, sometimes using exactly the same arguments, has survived up to our day, retaining a measure of its convincing force in so far as it is directed against the extremes and the one-sidedness of the rationalism of the eighteenth century.

This rationalism regarded the nation as a simple aggregate (*l'assemblage*) of free and equal individuals. The repulsion from medievalism and feudalism went so far as to see in any "partial association" a "corporative spirit" (*l'esprit de corps*) and a threat to freedom. Rousseau stresses the harm caused by "partial associations" and "partial societies" and recommends "that there be no partial society in the state".[23] In the Declaration of the Rights of a Man and a Citizen freedom of association is not mentioned. This was no accident. By the special law of Lepeletier, July 14, 1791, the French Revolution definitely forbade the formation of corporations and professional or other unions. France was proclaimed "one and indivisible", and the place of the old historical "provinces" was taken by the new administrative departments. The deputy was recognized as the representative of the people as a whole, and in no way that of his district or electors, from whom he was forbidden to accept instructions. Obviously, the "general will" could not submit to "individual will", or accept instructions

[23] *Op. cit.*, Bk. II, ch. 3, pp. 41-42.

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from it. The duty of the individual representative, and also of representation as a whole, was to reflect as in a mirror, as on a geographical map or a reduced photograph, not his own or any one else's individual will, but the general, the popular will.

Modern times have rejected all these rationalistic inventions as a fiction incompatible with existing relationships.

The twentieth century proved to be alien and hostile to the hypothesis of the golden era of the past—the blessed state of prehistoric man, born free and not knowing the chains which were forged for him by subsequent centuries. The untroubled faith in the magic of natural transformation of "the will of all" into a harmonious "general will" was characteristic of Rousseau's optimistic era. For the disharmonious and dialectic nineteenth century it was characteristic, on the contrary, to have a distrust of the majority of the population, as consisting of exploiters and oppressors and responsible for all existing social injustices. It was only the Fourth Estate, the labor class, numerically still a minority, but historically destined to rise to power, that was conceded a progressive and positive rôle; and this was not in recognition of personal merit, but because of the demands of history and in virtue of immanent laws which, through class struggle, transform the system of inequality and oppression into its opposite—a classless and coöperative society.

This faith in preëstablished laws of history sometimes led to the paradoxical statement that the worse the institutions the better, if not for the living people, then for progress; for the sooner will the régime of oppression change into a world of justice. This was, in the nineteenth century, merely a rephrasing, in its own "leftist" fashion, of that same rationalism of the eighteenth century, which culminated in the doctrine of Hegel, who replaced rationalism by panlogism, and reason by the spirit of history and world spirit.

> The question—To whom (to what authority and how organised) belongs the power to make a constitution? is the same as the question, Who has to make the spirit of a nation? . . . What is thus called "making" a "constitution," is—just because of this inseparability [from the spirit]—a thing that has never happened in history, just as little as the making of a code of laws. A con-

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> stitution only develops from the national spirit identically with that spirit's own development, and runs through at the same time with it the grades of formation and the alterations required by its concept. It is the indwelling spirit and the history of the nation (and, be it added, the history is only that spirit's history) by which constitutions have been and are made.[24]

In place of the identification of the spirit of history with the national spirit, as was the case with Hegel, Savigny, Puchta and their followers in all corners of the world at the beginning of the nineteenth century, later—from the second half of that century and up to our own time—the followers of Marx and Engels began to identify history and its spirit with a definite part of the nation, with its industrial proletariat. This was an ideological expression and a consequence of the growing industrialization of the world, which captured the imagination of those who were the first to gain by it, as well as of those who suffered from it.

The twentieth century was steadily moving further away from the exaggerated eighteenth-century faith in the individual as well as from the exaggerated unbelief of the nineteenth century. To the modern world the truths of both these centuries seem equally relative. Man is not the only factor in history—even in his own history; institutions, on the other hand, do not evolve of themselves, outside the evolution of man. It is not the individual alone who is opposed to the organization as a whole: between the individual and society and by their side, there stands a series of groups—professional, religious, territorial, class, and others—each held together by common interests, which are often dissimilar and often even contrary to the interests of other groups.

For contemporary legal theory the nation is not a simple sum-total of individuals. The nation is a complex unit, composed of a multitude of groups struggling with each other and within themselves. The deputy now is a representative, not of a fictitious all-embracing unity, but of real groups and interests, the latter being understood not only as material interests, but

[24] *Hegel's Philosophy of Mind*, with Introductory Essays by William Wallace (Oxford, 1894), p. 137.

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also as the moral and political evaluation of that which the people or the country needs. If the term "general will" is still used, it now means something quite different from what it meant in the eighteenth century. It means a will which is directed to the common good, which is created by popular representation as an outcome of quest and compromise, as a kind of resultant of struggling social forces. The problem of political technique remains the same as before: how best to organize elections of popular representatives so that they may most fully and accurately reflect and determine the will of that "whole" which is the people.

According to the style and the spirit of the rationalist era, the whole life of law was reduced to the problem of legitimacy and statute. "I view the law as being in the center of an immense sphere. . . . Everything depends on the Law", wrote Sieyès. The constitution of 1791 capitalizes the word Law on a par with the words Nation and King. "Not by rhetoric and not by military prowess shall we conquer Europe, but by the wisdom of our Laws", asserted Robespierre on the eve of his overthrow.

Our times have brought a recognition of the imperfection and incompleteness of law, the admission of the unavoidability of alternation of the legal and the illegal, with law born of facts and withering away because of the advent of new facts. There does not exist and cannot exist a legal order completed and legalized once for all. Laws cannot ensure legal continuity because a law is not always replaced by law—the change is sometimes illegal, either extra-legal or anti-legal. Physical forces or existing facts are just as capable of producing new law as a statute or a concept of law is capable of provoking actual changes in the established legal order.

Law does not belong entirely either to the sphere of things as they are or of things as they should be; it belongs to the dynamic realm of culture in the process of creation, of eternal becoming. It is characteristic of the contemporary legal concept that in place of the former search for the legitimate it endeavors to establish the righteous, which emerges beyond the limits of formal laws and of positive law in general.

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Of course, even now the old concepts have far from disappeared, just as, on the other hand, one can find in the past embryos and forerunners of contemporary ideas. But still it may be affirmed that the hegemony of statutory law, not only as the most widely accepted, but as the supreme if not the sole source of law, is undoubtedly nearing its end. The "legislative phase" in the history of law, according to Hauriou's expression, is ending. Together with legitimism is also disappearing the fetishist attitude toward statutory law as the only fully adequate form of law. A broader understanding of law is clearly in the ascendancy: the binding force and effectiveness, alongside with written or formal law, of intuitive law, which formerly, in the fashion of the times, was called "natural law". Next to the fixed and organized legal system there clearly become evident, especially in critical times, the elements of a new law which is just taking shape, a "flexible", "living", "spontaneous" law, but nevertheless a law whose reality is unquestionable.[25]

V

The fact that statute is not the only source of law is admitted by almost all legislatures. Side by side with statutory law, but subordinated to it, there exist also customary law, the practice of courts, jurisconsults' law and various other forms. The statute, however, always claims to be the most authoritative source of law in spite of the fact that it has long been asserted that statute is, not the primary and basic, but the secondary and derivative norm, which assumes the existence of other norms, standing *above* statute and originating *before* or *outside* of it. According to the formulation by the famous Roman jurist Paulus, *Non ex regula jus summatur, sed ex jure, quod est, regula fiat.* Or, as still another renowned jurist, Modestinus, has asserted, coming still nearer to the essence of the problem and penetrating deeper into it, *Omne jus aut consensus facit, aut necessitas constituit, aut formavit consuetudo.*

It is not according to statutes that law is formed, but the

[25] G. Gurvitch, *Le temps présent et l'idée du droit social* (Paris, 1932), p. 216; and by the same author, with a preface by Roscoe Pound, *Sociology of Law* (New York, 1942), pp. 221 *et seq.*

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statutes which draw their compulsory force from the law, and this includes the constitutional statutes, which govern the order of the creation of ordinary statutory laws. The statute does not create law, it merely recognizes and states law which is created by society with its mores, fashions, morals, religion, aesthetics, education, and so forth. Constituent power is not vested with omnipotence, but, according to Hauriou's expression, with " constitutional superlegality " (*superlégalité constitutionelle*).[26]

With some individual variation, some earlier and others later, Jellinek and Bierling in Germany, Gaston Jèze and Francois in France, Dicey in England, Lowell and Pound in America, Petrazhitsky and Kokoshkin in Russia, have advanced in our time the idea of the rôle of *public declaration* as the primary norm of law. Only by passing through the individual and group psychology of man do factual relations assume a legal aspect. *Public recognition,* " the consent of the governed ", which transforms fact into law, is actually the final—or the primary—basis of any legal formation and legal system.

Whether one terms public declaration the *source* of law or the *form* of law, it is the " normative fact " which is used as a basis by those who, as possessors of constituent power, are called upon to give a more or less solemnly declared form to official and positive law. This process of transformation of " intellectual and emotional experiences " first into intuitive and " program " law, and then into positive or official law, becomes especially evident in times of a breakdown in the legal order and of the extra-legal formation of new law. Too sharp a divergence between official and intuitive law unavoidably results in a revolution in which intuitive law triumphs over the official. *The Life of Law and the Helplessness of Laws* (*La Vie du droit et l'impuissance des lois,* 1914) and *The Revolt of Facts against the Code* (*La Révolte des faits contre le code,* 1920) are the titles of books by the French scholars Cruet and Gaston Morin, who strove to prove that such a revolt has no other aim than the establishment of a new system of positive law with a more stable balance.

[26] M. Hauriou, *Précis de droit constitutionnel* (Paris, 1932), p. 276.

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The decrees of the Government of National Defence in France in 1870, as well as the enactments of the National Assembly itself, were not formally laws at the moment of their promulgation. They acquired the force of legal norms later. It was given to them by public recognition. That which was first proclaimed by a small group of individuals, possessing no legal power to this end, was compatible with the demands of life, did not provoke any serious protests, as it evidently corresponded with public opinion, and was sanctioned as a compulsory legal norm. The so-called "concludent acts" of a preponderant majority of the population, which expressed themselves in the acceptance and fulfilment of the decrees of a self-appointed power—the carrying out of elections to the National Assembly according to the order established by the government, the tacit acceptance, which had the effect of recognition, of the broadening by the Assembly of its initial powers, and so on—all these psychological reactions were the factors that transformed the extra-legal facts and anti-legal acts of Jules Favre, Gambetta, Thiers and others, in the Legislative Body and later in the Paris Town Hall, into a written and positive law.

The new order took shape in this way, not only during the September days of 1870 and not only in France. Events followed a like course in France in 1789, after the 10th of August, 1792, on the 18th *Brumaire*, the 3rd of April, 1814, in the July days of 1830 and in the February days of 1848. "The blood of the people was spilt", proclaimed the Declaration of February 24, 1848. "The Provisional Government, created by proclamation and emergency, is invested by the voice of the people and the representatives of the Departments with the task of ensuring and organizing national security." [27]

In the history of the United States one can also see a similar process of the formation of legal order. Two stages are clearly defined in the American Revolution. When the American colonies revolted, they revolted against the usurpation of their legitimate political and financial rights, against the "tyranny" of the British Parliament. But, according to their own interpretation and judging by their "concludent acts", the colonies

[27] A. Lamartine, *Histoire de la révolution de février* (Paris, 1860), vol. I.

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for a whole decade, from 1765 to 1775, continued to remain loyal subjects of the British Crown. So late as October 1774, the First Continental Congress addressed the British people: "You have been told that we are seditious, impatient of government, and desirous of independence. Be assured that these are not facts but calumnies." Among those who voted that address was George Washington. This same attitude was taken by Franklin, Jay, Madison, Jefferson and John Adams; and later, on November 29, 1775, Jefferson wrote to John Randolph: "There is not in the British Empire a man who more cordially loves a union with Great Britain than I do." [28]

The American colonists claimed recognition as good Englishmen with equal rights with others. Appealing to the English Constitution and wishing to improve the British Empire, they became more British than the Britishers themselves.[29] Exceptions from this general rule were few: leaders like Richard Henry Lee of Virginia, the future "Cicero" of the Continental Congress, or Samuel Adams and a few others, who aspired after national independence even before 1776. Not until January 1776, with the appearance of Thomas Paine's famous pamphlet *Common Sense,* did the situation change. Then the Revolution entered into its second stage.

In place of English colonists in America who arose in defense of their rights as British subjects, there appeared Americans, carrying on a struggle for the recognition of the fact that "here is the vast continent of North America, suited to become the home of a race of free men." On the seventh of June, Richard Henry Lee called upon the Second Continental Congress to declare the thirteen colonies free and independent states. Congress declared—and none of the thirteen provinces dissented—that the united colonies were, and of right ought to be, free and independent states. The people seemed to recognize the resolution of Congress as if it were a decree promulgated from heaven, said Samuel Adams. The movement which had begun with the view of improving relations between the colonies and

[28] Sir George Otto Trevelyan, *The American Revolution* (London, 1905), vol. II, pp. 109, 157.

[29] John C. Miller, *Origins of the American Revolution* (Boston, 1943), pp. 167-68.

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the "mother country" was now directed toward the severance of the ties with the latter. The civil struggle turned into a foreign war, into a fight of former English subjects to gain recognition for themselves as an American nation. A new page was opened in the history not only of America and England, but of the whole world.

The extra-legal order of changes in law penetrated to such an extent into the flesh and blood of France during the last century and a half, that Gaston Jèze termed it "the principle of the French public law, sanctioned by numerous precedents."[30] This principle is formulated by Jèze as follows:

> Individuals who have gained possession of power due to revolution and have taken upon themselves the administration of the state find the investiture necessary for the legalization of their acts in the almost general approval [*l'assentiment presque de tous*] and in fact of the peaceful exercise of their functions.[31]... Whatever the *origin* of a factual government, the universality of its acceptance is always and everywhere the basis of the power with which it is entrusted. This basis or title [*le titre d'investiture*] is obviously unusual, but it is sufficient inasmuch as it is real, that is to say, inasmuch as the acceptance is general. The drama always consists of three acts: (1) action by force, (2) the transformation into a factual government through general recognition, and (3) transformation into a regular government.

The difference between a de facto government and a simple usurpation is that the former finally acquires an investiture in general recognition, in passive acceptance, or in active approval. In Ferrero's words, the power passes from a "state of prelegitimacy" to a "state of legitimacy".[32] Jèze is right in stating that the general recognition is the more easily attained, and the investiture is the more probable, the closer the persons

[30] Gaston Jèze, *Les principes généraux du droit administratif* (Paris, 1914), p. 490.

[31] Only in the ensuing general acceptance (*Anerkennung*) does the norm established by force attain its true legal significance, only through this acceptance does it become established law (*Rechtssetzung*), an accomplished fact (*vollendete That—fait accompli*), says E. R. Bierling, in his *Juristische Prinzipienlehre* (Freiburg, 1894), vol. II, p. 364.

[32] G. Ferrero, *The Principles of Power* (New York, 1942), pp. 131 *et seq.*

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assuming the de facto power are to those who formerly participated in the administration of the state. This does not mean, however, that such persons should necessarily have had a part in the former government. It is sufficient for them to have been representatives of the people, or, even without having been members of parliament, to have formed the opposition, to have been prosecuted in the courts, or exiled abroad, but to have been nevertheless active in public and political affairs. A certain political prestige of those who take over power facilitates but does not ensure the eventual legal recognition and sanction.

It is not only in connection with revolution that the same extra-legal transformation can be noted. Similar situations were in effect, for instance, in Belgium at the time of the severance from Holland in 1830, or in Norway at the time of the separation from Denmark in 1814 and of the breach of the union with Sweden in 1905. The extra-legal reformation of law can also take place by peaceful means, without the overthrow of the existing régime. Thus, the constitution of the North German Confederation of 1867, over the determination of the juridical nature of which German jurists have spent so much labor and ingenuity, arose without any revolutionary outbreak, as the result of the victory of Prussia over Austria, but contrary to the then existing laws. There did not exist at that time any all-imperial power which was competent to enact such a constitution, and the latter was the fruit of extra-legal " self-inception ".

In the twentieth century, before our own eyes, the destinies of Ireland, Turkey, Greece, Poland, the Baltic States, Czechoslovakia, Italy, Spain, Bulgaria, India, China, and of other countries afford a multitude of vivid and most varied forms of *public proclamation*, representing an extraordinary, but universal and necessary, source of law. Here one is confronted with cases of violent revolutionary proclamations as well as cases of peaceful and bloodless ones: extra-legal proclamations " from above ", made by the rulers, the political parties or the dynasty, and proclamations " from below ", made by the parliament, the mob, the people, " the street "; proclamations in connection with war and in times of peace; proclamations of a new social

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and political order, of national independence, of the replacement of the head of the state and change in the members of the government; and so forth. Among those who proclaimed the binding force of the new norms of law one meets with well-known men formerly engaged in political and public activity (like Masaryk, Venizelos, Miliukov), popular leaders of parties (like Sun Yat-sen, De Valera, Kerensky, Lenin, Pilsudski, Mussolini, Hitler), famous military leaders or unknown officers (like Mustapha Kemal, Colonel Gonatos, Plastiras, Franco, De Gaulle), and others.

That which Jèze termed the principle of French public law must in all justice be called the principle, not of French public law alone, but of *any public law* and even of *law in general.* Rarely does legal formulation precede relations found in actual life; often it follows with considerable delay the relationships already formed. It is with good reason that Georg Jellinek maintained that the whole "history of law is at the same time the history of law-breaking." [33]

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[33] *Allgemeine Staatslehre,* p. 353.

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THE PROSPECTS FOR CHINESE DEMOCRACY

WHAT is the future of Chinese democracy? This is an ever-present question that is of the deepest concern to the world at large; for it is inevitable that what happens to one fourth of the human race will have far-reaching effects on the rest of mankind. Nothing would be more salutary, if the world is to have peace, than to set up a stronghold of democracy in the East and to foster friendly feelings between the two democracies on the shores of the Pacific. A clear grasp of the problem of China's democracy is hardly to be expected of those lacking first-hand acquaintance with the living habits of the Chinese people. The salient point about China's democracy is that in China for long ages past sound historical and philosophical foundations for political democracy have been laid. To miss this point is to interpret the Chinese democracy amiss.

In his book, *Modern Democracies*, sympathetic Viscount Bryce stated:

> China furnishes no unpromising field for an experiment in popular government. Its people have five sterling qualities—industry, independence of character, a respect for settled order, a sense of what moral duty means, a deference to intellectual eminence. They have the power of working together; they can restrain their feelings and impulses; they are highly intelligent and amenable to reason. Weak as they have seemed to be in international affairs, they have plenty of national pride and a sort of patriotism, though it does not flow into military channels. . . .[1]

Viscount Bryce has stated the conditions under which democracy can be effective.[2] Let us, using them as the criteria, discuss China's democracy.

[1] James Bryce, *Modern Democracies* (New York, 1921), vol. II, pp. 510-511.

[2] James Bryce, *South America: Observations and Impressions* (New York, 1912), p. 527.

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In the first place, democracy must have cultural unity. China is unified ethnographically, bound in common history, common literature and common spirit. The three groups of Mandarin dialects—northern, southern and southwestern—may be regarded as one language, like the language of all English-speaking peoples of the world. A speaker of one group of Mandarin, say a native of Harbin, can converse freely with a speaker of another group, say a native of Chungking, without any misunderstanding.

Among speakers of non-Mandarin dialects, ignorance of Mandarin is felt not so much as a personal shortcoming but as a practical inconvenience for travelers and people in educational work or public service. An educated person whose own dialect belongs to one of the non-Mandarin groups would speak Mandarin of sorts by picking it up from contact with speakers of Mandarin. Consequently at public meetings linguistic difficulties arising from differences in dialect are negligible. For the illiterate, with their limited basic vocabulary, and for those who stay in one place and have little contact with speakers of other groups, it would, of course, be impossible to cross the boundaries of the non-Mandarin group without losing mutual intelligibility.[3] With improved means of communication and spread of education, it will probably not be long before the standard speech will be used everywhere in China either in addition to or in place of the local dialects.

Chinese civilization as a whole has been conspicuously homogeneous, and free from racial prejudice. The traditional tolerance in religious matters—which moved Berthold Laufer to declare that he knew of no people more tolerant than the Chinese[4] —is a main attribute of a truly democratic society.

Secondly, there must be a middle class of small property owners, like the middle class of England, who have something to gain by good government and much to lose by bad government. The point has been answered by R. H. Tawney who stated:

[3] See Yuen Ren Chao, "Languages and Dialects in China", *Geographical Journal*, July 1943, pp. 63-66.

[4] Berthold Laufer, "Sino-American Points of Contact", *The Scientific Monthly*, March 1932.

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"There is no land aristocracy in China. The typical figure in Chinese country life is not the hired labourer, but the land-holding peasant." [5]

A recent survey indicated that 54 per cent of Chinese farmers own all their own land, that 29 per cent of them own some land and rent some land, and that 17 per cent rent all their farmland, although 11 per cent own their own farmsteads. Six per cent of them own nothing.[6] Compare these figures with those of Japan: 31 per cent owners, 43 per cent part owners, 26 per cent tenants. Compare with United States figures: 51 per cent owners, 10 per cent part owners, 39 per cent tenants. It is also to be noted that average rent from land does not exceed the average rate of interest on deposits in modern Chinese banks.

China has no dominant class comparable to junkers or squires. Although the question of land tenure in some regions is acute, it is unlike that of Europe. The solution of land problems in China centers on the ownership by the farmers of the land they till. They must be protected and encouraged by liberal land laws through which they can reap the fruits of their own labor.

Thirdly, the geographical condition of the country must afford easy means of communication for persons and ideas from one region to another. This is necessary for the free circulation of the current of public opinion.

The Yangtze River basin, the most important industrial and commercial region of the country, contains nearly one half of the population. It is this river upon which the geographical centrality falls. In the valley there are a number of large cities, three of them being the great capitals: Nanking, 235 miles from the sea, open to ocean-going vessels all the year round; Wuhan, 600 miles from the sea, navigable for ocean-going vessels for more than half the year; Chungking, the entrepôt of the Szechuan basin, 1,400 miles from the sea. This river forms one of the supremely important features in the political and economic geography of China.

[5] R. H. Tawney, *Land and Labor in China* (London, 1932).

[6] Statistics compiled between 1929 and 1933, by a staff directed by John Lossing Buck of the University of Nanking.

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Nanking, the seat of the National Government before the war, was chosen as the capital of China in preference to Peiping. The triple city of Wuhan which is formed by Wuchang, Hankow and Hanyang facing one another at the confluence of the Yangtze and the Han Kiang is comparable to Chicago. The Canton-Wuhan-Peiping Railway is a trunk line par excellence in China.

Chungking stands on a rocky peninsula at the junction of the Kialing with the Yangtze. It is the third largest port of the Yangtze and is the focal point of economic activities of the wealthy province of Szechuan, holding the same position, as a pivot of the upper valley, as that of Wuhan in the middle valley. With an extension of its municipal boundaries, it was raised to the status of the wartime capital of China. The fact that it is located at the meeting point of the two international routes to the southwest and to the northwest gives it a commanding position of world importance.

On the strength of its present status as an auxilliary capital, as well as of its historic interest, Siking, or Sian, is entitled to be regarded as one of the most important cities in China. This interesting old city, which had been the national capital of the great Han and Tang Empires, is placed strategically on the route focus: the east-west Lunghai Railway and the highways to Hankow, Chungking and Lanchow, and other points. Lanchow, by reason of its position near the geometric center on the border between populous and nomadic China, at the bridgehead of the Hwang Ho and at one of the great crossroads of the world, becomes a pivot of the country and is often called the "Land Capital" of China.

The influence of the Hwang Ho and the Yangtze on the development of Chinese civilization is remarkable. These two rivers, the main arteries of Chinese civilization, have been connected with every great historical movement of the Chinese. Richthofen has divided China into two parts, the North and South, with the Tsinling Mountains as a boundary line, which we may call the Yellow and the Blue Basins. The Tsinling have fortunately become the Appalachians instead of the Alps of

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China. For more than twenty centuries, the Tsinling passes have exerted a unifying force in China's development. The Grand Canal, which has served as the link between North and South, is well known and needs no detailed mention here. Lionel W. Lyde once remarked: "Most of the differences, e. g., between north and south, coastland and core, are not greater than those between the East Anglian fens and the Welsh and Scottish Mountains." [7]

Fourthly, the people must have experience in self-government. China is very old as a social democracy. Her culture and civilization have come, not from the imperial courts, but from the people themselves. The real government of China is a village socialism, fully charged with the spirit of responsibility, co-operation and active participation by all. Experiments in the modern representative system have been tried and found workable. Sir John Jordan, the late British Minister at Peiping, when he visited the Provincial Council in the province of Shansi in 1918, was favorably impressed with its working efficiency and the salutary relation it bore to the Governor's Office.[8]

In the eleventh century, the *pao-chia* system was minutely set forth by Wang An-shih (1021-86), a great statesman of the Sung Dynasty. Ten families were to form a *chia*, ten *chia* were to form a *pao*, with federated *pao* at the top. This system has exerted a great influence on social solidarity during later times. Not only were townsmen left free to take care of their own local community matters; even in counties the people usually looked after their own affairs. Elective eldermen were charged with the safeguarding of peace and order, which were deemed matters of local concern.

In the midst of the present war, we are again witnessing the introduction of *pao-chia* as an integral part of the new *hsien* (county) system. In every *hsien* there is to be a *hsien* assembly elected by the lowest organization of self-government. The Chinese Draft Constitution provides that each *hsien* shall elect one delegate to the National Congress. Taken as a whole, it is

[7] Lionel Lyde, *The Continent of Asia* (London, 1938), p. 554.

[8] James Bryce, *Modern Democracies*, vol. II, p. 510.

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an all-embracing and thoroughgoing system of local self-government, which undoubtedly will be the groundwork of Chinese democracy.

Fifthly, the people should be in a position to discuss principles and to have political parties. Dr. Sun Yat-sen, founder of the Kuomintang or the Nationalist Party and father of the Chinese Republic, said: "We must realize that political democracy is not given to us by nature; it is created by human effort." Even before the Revolution he had outlined the "Three Stages of National Reconstruction". The three stages are: (1) the military or revolutionary stage, (2) the tutelage or guardianship stage, and (3) the constitutional stage. The theory underlying the Kuomintang rule is one of trusteeship. The sovereignity rests with the people. "The historic mission of this party is to establish a republic. Its central task is to be responsible for the tutelage." [9]

It is expected that the National Congress which is to be convened on November 12, 1945 will mark the end of the era of "political tutelage" and the assumption of political power by the people. These are passages from a speech made by Generalissimo Chiang Kai-shek at a meeting of the Kuomintang's Central Executive Committee, September 1943:

> After the enforcement of constitutional government, our Party should hand over the government to the people. . . . My personal opinion is that after the institution of constitutional government our Party should be on equal footing with other parties, and should enjoy equal privileges and rights, fulfill equal treatment from the State under the freedom of assembly, organization, speech and publication in accordance with the law.

These words, so magnificently uttered and tersely put, embody the spirit of China today—the spirit that heartens and uplifts her in her dark hours, lending her strength to sustain the terrible strain of war, and to survive, and finally overcome hardships and shortcomings of all descriptions. That, too, is

[9] The "General Report of the Process of carrying out Constitutional Government", passed by 11th Plenary Session of the Kuomintang's Central Executive Committe, September 1943.

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the spirit which, as Sir Stafford Cripps has remarked, makes all her friends feel that equal comradeship with the Chinese people must be an essential factor in any world settlement after the war.[10]

Bryce might with propriety have laid more emphasis on education as a necessity for democracy. China respects learning; erudition or academic accomplishment always stands high in public esteem. In China's imperial past the implied, if not the explicit, sway or power of eminent scholars and philosophers was felt even in the court and the ministry; their prestige was universally recognized. The essential point to note is that learning in the Chinese sense implies and presupposes both virtue and superior knowledge. There is always the tradition of respect or deference given to learning. An individual is judged by his intrinsic value rather than his adventitious attainments such as wealth and official rank. It is also to be noted that for two thousand years there was enforced an objective and competitive system of examinations for the civil service, which ensured equal chance of preferment in government service for all.

One of the ideals of Chinese nationalism, the first principle of Dr. Sun Yat-sen's *San Min Chu I,* is the importance attached to science and learning as a foundation for national renaissance. He stated: " Many old characteristics must be revived, including our learning as found in the Great Learning, and we must revive our creating power, the power which we once had in inventing new things." He added, " But, aside from that, we must also go out to learn what is best in the West." Science and the technology that develops from it are now international possessions accessible to all. What makes modern industry is ultimately not the machine, but the brain which uses it, and the institutional framework which enables it to be used.

Professor J. B. Bernal of London University has written:

> . . . from what has been [accomplished in the past] it is possible to see that Chinese cultural traditions, suitably modified, give an extraordinarily good basis for scientific work. Indeed with the

[10] Sir Stafford Cripps, " The Birth of New China ", a speech made to commemorate China's " Double Tenth " Festival, 1943.

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> care, steadiness, and sense of balance shown in all other forms of Chinese culture, there is reason to believe that China may have at least as great a contribution to make to the development of science as the West, if not a greater.[11]

More recently Professor Joseph Needham of Cambridge University commented:

> Given the tools of the trade, Chinese technologists, engineers and scientific men are the equal of any in the world. To me, not unfamiliar with them beforehand, this came as no surprise, but it is a point which ought to be brought home to all those in Western countries who are concerned with post-war trade relations with China. Any idea that the Chinese are personally unfitted for technology and industry is a complete illusion. Any idea that they do not wish to industrialize their great country and will forever be content to accept the industrial products of other countries is also a fatal mistake. They deserve, and should receive, every help in their industrialization.[12]

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[11] J. D. Bernal, *The Social Function of Science* (London, 1938), pp. 209-210.

[12] J. Needham, "Chungking Industrial and Mining Exhibition", *Nature*, June 3, 1944, p. 675.

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WORLD INTEGRATION AND EDUCATION

I

MUTATION is the law of life—the life of man, the life of society. Through a series of mutations societies grow from small and simple to large, complex organizations. Along the rising curve of growth changes occur —changes in principle, in direction, as well as changes in size, territory, wealth, class-relationships, education and many other matters. Change may occur blindly, or through intelligent choice, or by a mixture of both. But occur it must. Refusal to admit change means atrophy, death; failure to provide for it in a right direction leads ultimately to the same end. In the light of the history of political organization successful adjustment to the forces of growth requires, externally, an extension of the circle of government; and, internally, a perfection of its rule. Either the problems of external extension, or the internal perfecting, or both, may prove insurmountable obstacles to continued existence—if leadership fails. Leadership may fail for lack of insight, strength and unity of will, inadequacy of means.

Today the peoples of the world stand in need of a leadership which will guide them toward a more inclusive principle of political integration. Great states, Hannibal observed,[1] cannot stand still; their motion is inevitably progressive or regressive. Absolute sovereignty of nations served as a principle of progressive integration for generations, in an age when national isolation was feasible for most, and inevitable for many; applied today, however, when technological advancement has reduced the world to unity and rendered natural boundaries and barriers of no avail, it insures disintegration, not integration, and impoverishment instead of prosperity. Political organization must of necessity conform to the economic and technological requirements of our age.

[1] *Livy*, XXX, 44, trans. by D. Spillan and C. Edmonds, 2 vols. (New York, 1871).

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What larger, more inclusive principle is competent to follow upon and perfect that integration of the life of peoples which nationalism has so far advanced? Many roads to world order appear: among them are a universal religion, imperialism, regionalism, a Black International, a Red International, a democratic world federation. Some of these paths were pursued in times past; others, opened but recently, are largely or wholly theoretical, or tested only by brief experience. Since the problem of global organization is a new one, traditional patterns, though once followed with some measure of success in narrower limits, may prove inadequate to meet the demands of radically altered conditions. Nevertheless, many are inclined to follow the old roads, even at great peril.

A few observations concerning these potentialities are in order. The high idealism of Christianity, Buddhism, Confucianism and other great religions of the world have influenced millions. There is every reason to expect that they will continue to do so wherever they are kept alive. But millenniums have passed since their origin, and, in many parts of the world, instead of unity disunity has followed in their wake. As a figure of fragmentation one could scarcely find a better example than Christendom. Though for a thousand years Europe was united under Christian clericalism, if one looks to a world religion as an integrating force one may wait for five hundred years, even millenniums, to pass. The world's malady will not wait for such slow relief. Of course, true religion, pure and undefiled, may make valuable contributions to general understanding of the unity of man; for certain ancient religious ideals are pertinent to present needs. As the four rivers lose their particularity when they mingle in the Ganges, so those who accept Buddha lose their distinctions as Brahmins, Kshatriyas, Vaisyas, Sudras. Christianity proclaimed there should be neither bond nor free, neither barbarian nor Greek. "Within the four seas all men are brothers" is a doctrine which should unite Orient and Occident. "What you do not wish done to yourself, do not unto others", Confucius said, is the basic reciprocal law for international relations.

Modern imperialism, politically considered, is an extension of successful nationalism. Domestic unification once achieved,

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Britain, France, Germany, Italy sought foreign dominion over less developed, less aggressive, peoples. Each imperialism faces two kinds of conflict: (1) with the "lesser breed" over which it would establish sway; (2) with competing empires. The first class of wars, being in distant parts and between unequal contestants, agitated the world at large but little prior to the present century. Those of the second class, between competitors for empire, have shaken the entire globe. As long as several competitors remain, there can be no peace; and only unlimited faith in military might and one's own nation's destiny can envisage the world under one empire, whose competitors one by one have been eliminated. The outlook for empire is dimmed by the fact that certain peoples, on whom it was imposed so readily in previous centuries, are awakening everywhere to a sense of their own destinies. Insurgent nationalism in China and India is known to everyone who reads. Free African nationalism, too, finds spokesmen. "The democracy which Africa seeks", says Prince A. A. N. Orizu,[2] "will be the means whereby the production and the use of natural resources have to be channeled to a social purpose in Africa for the Africans in order to invigorate the principles of our faith in the capacity of human nature. . . . Nothing in Africa must any longer be used to fatten alien peoples while the Africans themselves suffer."

Regionalism recognizes large areas and peoples as having common interests and problems which require a certain amount of interdependent planning and action. The term, though but recently become widely current, is anything but novel. The idea was partly embodied in the Concert of Europe, more recently in the United States of Europe. The Monroe Doctrine, unilaterally expressed, proclaimed the idea of American regionalism, which the recent Declaration of Chapultepec reaffirms collectively. Japan's Greater East Asia Co-Prosperity Sphere aimed at regional organization. Now that the victors-to-be are easy to recognize, some see future regionalism centering in the Soviet Union, China, the Americas, the British Commonwealth and African mandates, and a United States of western Europe.

[2] *Without Bitterness* (New York, 1944), p. 220. Quoted by permission of the author and the publisher, Creative Age Press.

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Such regionalisms, obviously suggested by geographic and economic considerations, provide large, strong, interdependent units, and would apparently insure a greater degree of security than would absolute national sovereignty, to which lip service is paid. Regions might be more or less democratic federations, in some instances. It is extremely probable, however, that they may become more or less naked imperialisms, minor members being subject to the financial-industrial power of the great state with which they are associated. Considering the integrating influence of modern technology, and the already existing, world-girdling lines of communication and commerce, even such large units could not conceivably live to themselves. Without some global plan of interregional coördination, it is not improbable that conflicting regional "interests" would become the cause of war. Such an interregional war would almost inevitably become a global conflict, even as wars between nations have done in the past quarter of a century. Under the most propitious circumstances, however, regionalism might pave the way for ultimate world integration. Today it appeals most to those who are dubious as to the possibility of consummating an effective global organization when the present conflict ends.

After World War I heroic, constructive efforts were made by business men to rehabilitate the disrupted world of finance and industry, restore pre-war capitalism, and strengthen it in every way possible. Among other problems, leaders of the movement were keenly aware of the necessity of rehabilitating Germany, as a counter to the Red danger; for, if she went into bolshevism, others would follow her, and the fever could readily jump the gulf of a few thousand miles of ocean. Hence, as Myron T. Herrick said, American big business should contrive to bolster up the economic structure on which civilization "really rests".[3] This business international, in which the International Chamber of Commerce played a leading rôle, has been described as a "world movement with the dynamics of a party commanding loyalty and demanding action."[4] Despite great difficulties, progress was made, and hopes were high until shaken by the

[3] Ridgeway, G. L., *Merchants of Peace* (New York, 1938), pp. 58, 196.

[4] *Ibid.*, p. 4.

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collapse of 1929 and the consequent trend toward economic *autarkie*.

Despite the financial crash, the internationalism of industry and finance has carried on in its bid for world dominion through a vast expansion of international cartels, sometimes called the "Black International" [5] by those who see it as a sinister influence, in contrast to the Red International. Good or bad, created privately or by governments — international cartels reflect the compulsive forces moving toward global integration. An estimated five to six thousand of them were in operation in Europe prior to World War II, about 1,200 exercising an international influence on Europe's trade. Some 2,000 American companies functioned through 120 associations, formed between 1918 and 1939 under the Webb-Pomerene Act, which permitted export cartels, beginning at the "water's edge". Nearly a half of the world's trade from 1929 to 1937, it is estimated, was carried on under some form of cartel.

This invisible empire of industry and finance, far more a reality than an ideal, makes no profession of loyalty to humane principles, or to political ideas such as monarchy, fascism, democracy. It operates under or through all such governments, indeed may be the real power behind thrones, chancelleries, or democratic machinery. It can function most readily under political dictatorships, however, whose general suppression of individuals and pluralism of all kinds harmonizes with its own principle of throttling competitors.[6]

Most sinister of all forms of the Black International are the armaments industries. Unburdened with humane ideals or patriotic loyalties, they furnish arms to all sides. Arms industries are, for the sake of their own profits, internationally ori-

[5] Kilgore, H., "The Menace of the Black International", *Journal of the National Education Association* (April 1944), XXXIII, 89 *et seq.*

[6] An extensive literature on cartels has appeared. Kilgore, Harley, Report No. 4, Senate Subcommittee, *Cartels and National Security*, November 1944; Pt. XVI, *Hearings before the Subcommittee*, Aug. 29, Sept. 7, 8, 12, 13, 1944; Arnold, T. W., *The Bottlenecks of Business* (New York, 1940); Plummer, A., *International Combines in Modern Industry* (London, 1938); Liefmann, R., *International Cartels, Combines and Trusts* (London, 1937); papers delivered by Virgil Jordan, Corwin D. Edwards, and Gilbert H. Montague on *International Cartels*, the American Academy of Political and Social Science, Nov. 25, 1944.

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ented, whether they operate as separate, private concerns, or with affiliations in other lands—as, for example, Lorsar-Comité des Forges, Bofors-Krupp, Vickers-Armstrong, Whitworth-Whitehead, Schneider-Creusot and other world-wide operations show. American firms sold Japan $180,000,000 worth of armaments, while Mr. Stimson was condemning her conquest of Manchuria. British and other concerns also "made hay" in Japanese sunshine, while government delegates to the League were excoriating Nipponese aggression.[7]

The three years of storm and stress during the first World War discredited, weakened and ultimately destroyed certain major European governments. Before the war ended, revolutions flared in many countries and forged new governments which, in the next twenty years, refashioned civilization from the Pacific to the Atlantic. Out of the chaos of war's disintegration arose the Union of Socialist Soviet Republics, heir to all the Russias of the Tsar. Hungry and war-weary, the masses of that vast empire were not slow to listen to the promises of immediate peace, bread and land, offered by a small, well-knit, ably-led party, long schooled in a political philosophy sharply divergent from those that ruled western governments. Social ownership of wealth; international solidarity of workers; equality and freedom of national cultures, great or small; equality of men and women; the dignity of all labor—these were central principles which, inculcated by a single-minded, militant, activist leadership, were to inspire and transform Russia's millions and appeal to other millions throughout the world. To many westerners sex equality and the dignity of labor were no novelty. Most compelling in its appeal to peoples outside the Soviet Union, in light of the blow to human happiness just dealt by war in the name of national loyalties, was the Soviet principle of internationalism which proposed to unite those whom divisive nationalism had held apart and brought to the brink of annihilation.

Bolshevik success in integrating and energizing the polyglot peoples of the Tsar's Eurasian empire, accomplished in the face of internal difficulties and external opposition that did not stop

[7] Noel-Baker, P., *The Private Manufacture of Armaments* (New York, 1937), pp. 192, 203-4, 215, *passim*.

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short of invasion, was long decried and underestimated. Misrepresentation and ignorance of Soviet strength proved the undoing of the Third Reich and those that joined her in the "push-over" Hitler promised. This historic blackboard lesson has led many others to revise their judgments.

Amid today's new chaos and hunger of war-wrecked Europe and Asia, peoples scan the horizon for some sign of promise, some organizing principle which will give them bread, coördinate their powers in the labor of reconstructing homes, agriculture and industry. Bolshevik achievements in integrating and defending the Soviet land act as a powerful magnet whose pull penetrates far, east and west. When men ask bread, those who offer stones get stony stares. Nationalism, imperialism, traditional liberalism and Sovietism are the chief patterns of integration from which to choose. Reversion to absolute national sovereignty is unworkable in the world today. Imperialism, political and economic dominion of a master nation over inferiors, in bad odor in many lands where it once ruled with some serenity, and still further discredited by the aid it gave to the build-up of Fascist and Nazi power, is viewed with distrust by peoples who know their political alphabet. Nevertheless, imperialism is power; in face of weaknesses imposed by war, it may continue for a time to maintain sway. But the ferment of popular revolutions has neither yet spent itself nor reached its culmination. The world of the future lies open to that form of government which can demonstrate its superiority in organizing peoples on a basis of equality, that they may live in peace, make conquest of nature rather than of other men, and enjoy the fruits of their labor.

The idea of a world order of some kind has a long history, paralleling the growth of modern national states. It has been intensified particularly whenever these contenders for power have come into sharp conflict. Plans for an organization larger than a state range all the way from universal empire to universal democracy. From the fourteenth century to the eighteenth such thinking was permeated with religious considerations; since then it has been dominantly secular, emphasizing the self-interest of peoples as a sufficient motive. A few of the more significant efforts indicate the trend. In Dante's day universalism was

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still strong, nationalism (localism) weak or unknown. His *De Monarchia*, written in the early fourteenth century, but not published till 1559, called for a universal emperor, whose secular realm parallels the pope's spiritual domain. The Bohemian Podĕbrad and his chancellor, Marini, sensitive to nationalism and breaking with the idea of universalism, conceived of an international parliament and proposed it to the pope in 1461. Wolsey's League (1518) was open to Christian heads of state and to the pope.

Crucé's *The New Cyneas* (1623) struck a more modern note, and profoundly influenced later thinking. Freedom of trade, he thought, would reduce wars. Infidels would be included as well as Christians. Religion was chiefly a pretext for war; among the real causes were profits, honor, attempts to right wrongs, and want of exercise. Education was to support the general peace which he designed.[8] The "Grand Design" (1620-1635) of the Duc de Sully, finance minister of Henry IV of France, to whom it was credited, and through whose prestige it gained a wide audience, was similar to *The New Cyneas*. In it, as in its immediate predecessors and successors, sovereign states obscure the universal idea so readily comprehensible to a fourteenth-century mind. Penn's *Essay towards the Present and Future Peace of Europe* (1693), Beller's *Some Reasons for an European State* (1710), and de Saint-Pierre's *Projet pour rendre la paix perpétuelle en Europe* (1713) owed much to Sully's plan, but contained certain novel features.

Rousseau's *Project for Perpetual Peace* (1761), though influenced by the work of Saint-Pierre and Sully, took leave of supernatural sanctions, so prominent in earlier schemes, and emphasized, instead, naturalistic, material self-interest as a guiding principle. The next half-century saw several theoretical projects—Bentham's *Plan for an Universal and Perpetual Peace* (1786-1789), Kant's *Zum ewigen Frieden* (1795), *De la réorganisation de la société européene*, by Saint-Simon and Thierry (1814)—and a practical proposal, the Holy Alliance, advanced at Vienna by Tsar Alexander, who had been influenced by earlier

[8] Balch, T. W., *The New Cyneas of Émeric Crucé* (Philadelphia, 1909), p. 294.

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plans. In the United States, peace societies were stimulated by Noah Worcester's *A Solemn Review of the Custom of War* (1814), William Ladd's *Dissertation on a Congress of Nations* (1832) and his *Essay* (1840) on the same theme, and William Jay's *War and Peace* (1842). Bluntschli's "Europa als Staatenbund" (1878) reveals a continuing concern for a federation of Europe. After World War I, a Pan-European Union movement (but excluding the U.S.S.R.) gained considerable headway under the leadership of Count Coudenhove-Kalergi. Briand laid such a proposal before the League of Nations Assembly, September 5, 1929, but nothing came of it.[9]

Interrelated with these and similar plans for international organization and, like them, stimulated by increasing intercourse among nations in peace and in war, was the study of international law, to which Grotius gave definite formulation in his world-famous *De Jure Belli ac Pacis* (1625). Pufendorf's *De Jure Naturae et Gentium* (1672) sought a theoretical, ethical basis for the law of nations, whereas Leibnitz' *Codex Juris Gentium Diplomaticus* (1693-1700) sought to bring it back to the prime documentary sources. Wolff's *Jus Naturae* and *Jus Gentium* followed Leibnitz' lead, but had little influence until popularized through Vattel's *La Droit des gens* (1758). Though these and other works were of much importance, giving some systematic character to what had been formless, international law continued to be a matter of much dispute—particularly because, as it was often urged, there was no such thing, and there was no higher authority to enforce it. Practical steps were taken, however, by the Declaration of Paris (1856), and in a larger way at the Hague Conference (1899), to codify existing rules and to establish new ones governing conduct between nations. Twenty-six nations adhered to the Permanent Court of Arbitration.

The first World War rudely interrupted the process of constructing legal agencies to prevent war. At the same time it stimulated activity in planning some advance step which might

[9] Coudenhove-Kalergi, R. N., *Pan-Europe* (New York, 1926); Herriot, E., *The United States of Europe* (New York, 1930); Salter, Sir Arthur, *United States of Europe* (New York, 1933).

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accomplish what had theretofore failed of realization. The League of Nations ultimately embodied many of the concepts evolved in a host of societies and leagues that sprang up during the war in America, Britain and on the continent. Between the two World Wars the agitation for perfecting a world organization continued, and was especially intensified when the League's failure became obvious to all.

II

For a second time in a quarter of a century victorious western nations have an opportunity to make a momentous decision. We should not count on a third chance. Nature is a generous creditor, but an accurate bookkeeper. It is suicidal to pay the costs of global war, yet fail to assume the consequent political responsibility which victory entails. Faulty though the League was, the United States should have played her political rôle. The outcome might have been better; it could scarcely have been worse. Let us not make the same mistake twice. Planning a world organization before the war ends, signing the Moscow Declaration, adopting the Connally resolution, drafting the Dumbarton Oaks proposals, and inviting discussion of them before calling a congress on world government at San Francisco—these are encouraging indications of the difference between the United States of 1918 and 1945.

There are factors, however, which warn against overoptimism. The psychology of a peace that will last—not be simply an armed truce—is different from that of war. Peace should be made by others than those who have waged war. Neither victors nor vanquished are quite fitted for the job. Victors, flushed with power, are apt to impose harsh conditions, rather than appeal to reason; the vanquished, humiliated and revengeful, submit to the impositions, for their appeal to justice falls on deaf ears. Let the powerful exact what they can, Cleon argues, urging stiff punishment for the Mitylenaeans, and the weak grant what they must.[10] The League was too much a league of victors. But where find such impartial, wise men—great men, not great politicians—to institute a peace of even-handed justice

[10] *Thucydides*, Bk. III, 37, translated by B. Jowett (Boston, 1883).

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and a government commensurable with the global proportions of the war itself? The best that can be hoped for, lacking outside umpires, is that those who have proved themselves kingly competent in war may by some happy metamorphosis become philosophers.

To build a workable world organization, it is essential to avoid certain old errors. Today the war has again demonstrated that neither the least nor even the greatest nation or empire can win security by its own efforts. Even those armed to the teeth can be invaded and destroyed. The heads of the greatest states should appreciate this even better than others: they have seen their best solitary efforts tested and found wanting; having more to lose, they have suffered more for want of a common security. To establish genuine collective security requires abandonment of the outworn principle of national sovereignty in international affairs and the formulation of a more inclusive principle.

The indefensible position of nationalism today is shared, though perhaps in a less degree, by regionalism. It should be clear that, thanks to technological achievements, regional units, which may be pitted against other regional units, do not conform to the requirements of a world that has shrunk to the size of a small kingdom of a century ago. A region can no more expect to be invulnerable to invasion in the future than have nations in the past. As large and small nations have interests in distant parts of the world, which are inevitably hampered for lack of a world order, so, too, regions can by no means channel their activities within a continent or some other more or less arbitrary geographical area. The flow of goods, commercial and cultural, needs to be free throughout the world. Regional *autarkie* may well prove to be as obnoxious as the notion of national self-sufficiency.

To meet the needs of all nations, large and small, and regardless of the region in which they are situated, a *democratically constituted world government* is needed; it should deal with all those problems of international relationships, leaving each national state's sovereignty undisturbed in its proper sphere—internal affairs. Peoples as yet insufficiently developed to enter

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the world government as self-governing states should have the status of territories under world government mandates, rather than national tutelage, until the time when they may qualify for admission to full membership. World government should be distinct in its functions from national governments, as local government units within nations are distinct from the national administration, yet interrelated with it. Legislative, budgetary, judicial, executive and police powers should be assigned to the world government, so that it may deal effectively with all those matters that lie in that gulf now existent between national states and from which international wars spring. Constitute a government for that sadly anarchic realm between nations, and the time will soon come when no one need question whether there is such a thing as international or world law, or what it is. It should be as much the right and the duty of men and women to be citizens of the world state as to be citizens of national states. Such world citizenship would in no way deny national citizenship any more than national citizenship negates the rights and duties of men and women in local states or provinces of the national union.

Those who are skeptical about such a world state and world citizenship generally urge differences of race, cultural backgrounds, levels of intellectual advancement and political experience. A momentary recollection of the facts in a few of the greatest nations in the world today suffices to show that the importance of such differences is unduly magnified. If the United States and the Soviet Union provide convincing proof of strength and unity, despite "differences of race, cultural backgrounds, levels of intellectual advancement and political experience", there is no sound reason for doubting that with similar effort those same varied peoples and cultures, and others like them in other parts of the world, can become intelligent citizens of the world state. The world suffers from lack of such a democratic world order. A world state and world citizenship would indeed be strictly abreast of the world's technology. Peoples do not have to *be* alike in all respects, do not need to *become* alike, to form such a union. They do need to become aware, however, that they must unite or die. When peoples

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have learned this political lesson that technology imperiously presses upon them, they shall unite and not die.

The outlook for a democratic world federation, with such broad powers as suggested, is not bright today. The nearest approach to it, apparently, will be an organization based on the provisions of the United Nations Charter agreed upon at the San Francisco Conference by the representatives of fifty nations.

III

Military might, in itself, is not enough to establish stable security, as world history shows. It is essentially restrictive and external in character, whereas dynamic, internal processes are needed to integrate a community. If, within the external framework which power has temporarily provided, positive, constructive forces are set free to work, an enduring political, economic, social structure may be created. If not, the temporary framework will be little more than a prison, restraining only when enough men stand guard or until some free-souled Spartacus organizes prisoners to break the gates and weave garlands out of their chains. The central task of forming an enduring, political world community is the same, fundamentally, that cities, states and nations have long had in hand, save that the circle of integration is larger. Though not easy or simple of performance, it may be stated simply, briefly: to establish justice, and to form minds to seek and to maintain it. Cities, states and nations disintegrate for failure in these respects. Men striving for a world fit to live in may fail, too, for the same reason. But the task is clear; and we have another chance.

It is a fact of everyday observation that many profess doubt as to the efficacy of education; yet they themselves are proof of its effectiveness. Every commoner, literate enough to read the daily paper, knows vastly more about his world and is "probably a better behaved" person, as Gilbert Murray says, than the "average Athenian" at the time of Aeschylus. What is complained of is that education falls short of, or goes beyond, what particular persons approve, or disapprove, for themselves or for others. The wisest men of all ages have known the power of the educational process to give a certain direction to human

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nature. "Give me for a few years the direction of education," said Erasmus, "and I agree to transform the world." Lenin, spokesman for a different pattern, was no less confident: "Give me", said he, "five years to teach the children, and the seed sown shall not be uprooted." "To an extent characteristic of no other institution, save that of the state itself," Dewey thinks, "the school has power to modify the social order."

Formal education is not the prime determiner of a state. Given a people and a certain fundamental economic, social, political framework, however, education may be a most important auxiliary in establishing and maintaining the state. Education has always played this auxiliary rôle in society; but the magnitude of its utility has varied vastly, depending on the degree of understanding of its power, clarity of insight, firmness of will, and the efficiency of agencies designed and established to reach the goal. Every kind of government—aristocracy, communism, democracy, monarchy, oligarchy, timocracy, tyranny—has used education more or less directly in its own behalf. Education has served the tribal community, family, city-state, nation and empire. It has helped to perfect states, secular and ecclesiastic.

Though employed extensively in antiquity and in the Middle Ages, modern nations first exploited universal schooling to form citizens to serve their ends. Prussia's lead became a pattern of efficiency for Germany, a model which exercised great influence on other nations in the eighteenth and nineteenth centuries. The American Revolution brought forth a new nation whose statesmen-educators looked to a new education to form a citizenry in conformity with her basic principles. China's revolutions have been followed by new national schools. The Russian Revolution set the social, economic, political framework within which a new education was to develop a new man, a new woman. The Nazi state, rooted in tribalism, blood and soil, remade Germany according to a new-old pattern by redirecting the already well-established system of public education.

As a datum of native endowment there is, of course, no such thing as a German, American, Chinese, Communist, or Nazi mind. Hitler's dogma, that men think with their blood, that

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one born Jewish thinks Jewish, has no scientific standing. But, though there is no innate predisposition to think nationalistically, everyone tolerably conversant with the development of modern national states understands that educational processes, fostered within each growing polity, shaped a peculiar, nationalist mentality, an outlook which we call German, American, Chinese, Communist, Nazi. A nationalist mind was developed also in Italy, France, Britain, Poland and elsewhere. As a phase of integration of the national state, nationalistic education was of vast importance, fostering loyalty to the larger political unit, a readiness to act in its behalf. Loyalty and service to the nation did not alienate the citizen from his city or his province, but enabled him to serve them in a larger, more effective way. Without the nation, his city, his province would have been poorer, not richer; less secure, not more.

Surveying the array of plans and projects for alliance, federation, or union of national states since the fourteenth century, one is impelled to wonder that most of them were not even attempted, and none of them were put fully into successful operation. Obviously many factors were involved. Two are especially pertinent here. The first, briefly put, was the long-established habit of thinking that a national state must act selfishly in the interest of its own nationals, as Cecil explained in his *Conservatism*. Unlike individuals, a ruler "must exact to the utmost every claim", for he is the "trustee" of the interests of others and must not be generous.[11] While rulers of states are themselves ruled by such a Machiavellian conception of interests, it is evident that they gamble for everything and sometimes lose all. Only when nations, or their governors, become more competent students of their interests, will international organization be really effective, and law and police supplant gamblers' halls.

The second factor, causally related to the first and capable of frustrating any effort at a concert of international action, was the continuance of nationalistic training behind each national frontier. The author of *The New Cyneas* told the modern world, as Aristotle did the ancient, that education must conform to the constitution and serve its intent. "Certainly",

[11] London, 1912, p. 202.

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said Crucé, "there is nothing of so great importance as the instruction of youth. It is the foundation of a State, the support of the tranquillity which we are seeking." [12] Statesmen and political mechanics have continued to draft plans for concerted political action of nations, but they have seldom given their political structures educational foundations equal to their support. If there is to be an international order, education within it must be in harmony with the political end sought.

The transition from provincialism to world-mindedness, which seems so closely identified with present events, has really been in process for a long time and will require much more. Technological advancement and economic interdependence of peoples are the fundamental determiners of the trend. War has speeded up the process sporadically, but blindly, arousing fear of consequences of failure to establish order in an increasingly interdependent world. But since war itself is disorder of the greatest magnitude, leaving a heritage of lawlessness, injuries to peoples and their economies, hatreds, and a will to *revanche*, it also retards what men could effect better by reason—if they were only wiser. "Experience keeps a dear school, but fools will learn in no other."

After four bitter years (1914-1918) in that "dear school" many nations launched an experiment in government. Though education was not mentioned in the League Covenant, the Assembly had liberty to deal with any matters "affecting the peace of the world" (Article 3). The mere existence of the effort at international government was itself a stimulus to education for international ends. Many developments, individual and collective, reflected the trend. Though more would have been accomplished, doubtless, had education been properly constituted and supported as a fundamental phase of the League's work, much was done by the Intellectual Coöperation Organization through (1) the International Committee, advisory to the Council and Assembly; (2) permanent and temporary committees of experts to deal with special problems; (3) the Intellectual Coöperation Section (Secretariat); (4) the International

[12] Balch, *op. cit.*, p. 294.

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Institute of Intellectual Coöperation, founded at Paris (1926) and placed under the League by France; (5) the International Educational Cinematographic Institute, established at Rome (1928) and put at the disposal of the League by Italy; and (6) numerous National Committees, serving as liaison agencies between the International Committee and their respective countries.

The purpose of the Intellectual Coöperation Organization was to promote working together "in all intellectual fields in order to safeguard peace by a closer union and better understanding between peoples." Its numerous activities ranged from the elementary level to adult and higher education, and research, and included bibliography, coördination of information centers, liaison between scientific research bodies, libraries and museums; study and revision of textbooks; international educational aspects of radio, cinema, theaters, press, music, poetry; reorganization of Chinese education; conferences on international relations; student exchanges at the various levels; instruction of children in the purposes of the League; international copyrights, and international protection of works of art and other cultural assets.

Apart from League of Nations activities, many nations, collectively or through their nationals, revealed a keen interest in international education and reforms favoring such a trend. In Germany, Matthias and others advocated a new impartial history, dealing with "all that concerns humanity, white and black, just and unjust"—one that would not be the bearer of patriotism, as history had been in the past. Newspapers carried items on the subject. Among other reforms the *Kölnische Volkszeitung*, November 16, 1918, declared that, wherever history had been used to arouse national hatred, it must be discontinued in the future, and all books glorifying war should be removed from school libraries. The program of Socialist reforms in German education included the banishment of chauvinism from instruction, especially from history, and the freeing of physical education of its military character.

Japanese educators, recognizing that understanding and friendship between nations were handicapped by narrow nation-

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alism, and that education was " the most suitable and effective means of realizing human justice " and " securing international peace ", established the Japan Association for International Education. This organization proposed to carry on its work through international educational congresses, research investigations on international education and other activities designed to spread the spirit of internationalism and coöperation.

The Soviet Union, outside the League till 1934, and generally isolated from the western world for fifteen years after the Revolution, carried on an energetic, effective program of international education through publications and films, organizations of children, youth and adults, and the work of formal education from the lowest schools to the highest. In keeping with her fundamental philosophy respecting (1) the solidarity of workers throughout the world, and (2) the rights of national minorities, the conditions of labor in all parts of the world became part of the subjects of instruction, and peoples occupying a dependent status were especially studied. Probably no nation as a whole was ever so keenly aware of international relations and the solidarity of interests of people everywhere as was the Soviet Union.

At the other extreme from the Soviet Union, in terms of economic and political ideology, people of the United States were also conspicuously interested in international education, despite the official isolationism of their government. In harmony with liberal tradition, the tendency expressed itself primarily through individuals, professional associations and foundations, and only in a minor way in governmental action. Probably the most dramatic proposal was made by John H. Finley in an address at Andover. Applying the idea of the Boxer Indemnity Fund for education of the Chinese, Finley suggested that allied war debts be converted into a permanent trust fund for educating the children of all peoples, especially since " the world as a whole owes something to the children who have had no fair chance yet, because of what those upon whom they are naturally dependent have sacrificed for the good of the world as a whole. . . . It would be the greatest fund ever established on the earth for the salvation of civilization." The great good en-

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visaged did not materialize, however; most people were still intent on collecting debts, being unable to foresee that they would prove uncollectible.

A significant American effort of the early post-war years was crystallized in the calling of an international educational conference, under the auspices of the National Education Association. Assembled at San Francisco, in 1923, this meeting launched the World Federation of Education Associations, which met biennially in various cities of the world until July 1942, when it convened at Montreal. In his invitation to the World Federation, C. N. Crutchfield, Secretary of the Canadian Teachers Federation, stressed the importance of keeping alive the only federation which represented teachers of the world, since the need of it would be great after the war.

After its founding the organization directed considerable thought and effort along lines indicated in the Peace Plan of the World Federation, for which a prize of $25,000 was awarded to David Starr Jordan. Under the editorship of Paul Monroe, President of the Federation, it also published *World Education*, which was in its sixth volume in 1941, when the war interrupted publication.

Jordan's Plan, stressing the view that the "history of the future" is "written in the schools of today", gave guidance in implementing the Federation's efforts to mobilize teachers in all countries on the side of peace. Specifically, he recommended: a general world committee on education for peace; an international committee to coöperate with other already existing organizations for peace; a committee on history texts and teaching; and another on teaching patriotism, to determine its nature, values, limitations and perversions. Other committees were to study: plans to promote international understanding between students of various ages; international use of athletics; a peace council or bureau in the State Department; military training in schools and colleges; the effects of military "preparedness"; standing incentives to war and their possible abatement; the arguments for war as a cosmic necessity; the Hague Court of Arbitration and the Permanent Court of International Justice and their bearing on world education; and the question of our

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joining the League of Nations, and its effect on international education.

Notwithstanding the fundamental importance of the studies proposed, Professor Paul Monroe, speaking before the Herman-Jordan Committees' Section (1937), regretfully concluded: "Nothing has been done by this organization concerning one of its main purposes." The chief difficulties were, he thought, absence of united effort by the host of organizations which were individually designed to work for peace, and lack of money to finance the studies indicated. In harmony with his pressing suggestion, the Section adopted several resolutions, proposing constructive action: negotiating plans for stimulating production and distribution of educational films dealing with life in various countries; development of travel and foreign study facilities for teachers; exchange of students and teachers; orientation courses in higher educational institutions on pacific means of solving international problems; and wider extension of international student houses at educational centers of the world.[13]

International cultural life gained headway also through certain organizations, designed to facilitate the exchange of professors and students, serve as centers of information, make contacts with foreign institutions, and carry on investigation and teaching. The Institute of International Education, planned by Stephen Duggan and supported by various foundations and private bequests, began work in 1919. In two decades the Institute offered opportunity for foreign study to over 5,000 students from many lands, at the slight cost of $3,734,000. By 1944 it had placed 2,046 students from Europe and Asia on scholarships and fellowships in American institutions; and 1,131 from Latin America. At the same time it helped 2,344 to go from the United States to study in many countries. A few (23) have been assisted, during the war, in the study of international affairs in the United States.[14] Among other highly serviceable aspects of the Institute's work have been its lecture bureau, counseling of foreign students, and publications.

[13] *Proceedings, Seventh Biennial Conference,* Tokyo, III, 3, 51 *et seq.*

[14] *The Institute of International Education, 1919-1944* (New York, 1944).

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In 1923 the International Institute of Teachers College, Columbia University, was founded, $100,000 a year for ten years being provided by the Rockefeller Foundation. Directed by Paul Monroe, its purposes were primarily research and teaching. Many individual studies were carried on under the encouragement and guidance of its staff, and the study of contemporary foreign education as a phase of teacher preparation was given a stimulus through the work of I. L. Kandel and others. A permanent monument to its effort exists in the *Educational Yearbooks,* edited by Kandel, which provide timely information on education throughout the world, and the studies published in the Institute's " International Series ".

Reflecting a growing concern for foreign students in America, several universities developed the idea of an International House which might serve as a center for their activities. At the same time there was a significant increase of fellowships and scholarships to further Americans' study abroad. The Institute of International Education administered 191 fellowships abroad in 1931. What the Rhodes Scholarships had done to send American students to Oxford, the Guggenheim Foundation performed in a broader field for mature scholars and creative artists. Founded in 1925, it has to date sent out 1,380 scholars to countries throughout the world.

Mere enumeration of these forward-looking plans and efforts at international education between 1919 and 1939—and those named are only a fraction of what might be mentioned—raises the question: Why was there such a degree of failure? The reasons for the relatively low level of world education (economic, political, social, cultural aspects) are not far to seek. Despite good will, the excellence of suggestions, discussion, resolutions, they have not been adequately implemented. The movement from the top downward did not get into action in elementary schools, high schools and colleges. Ware's study found that only meager attention was given to international relations in American high schools. Though Quaker institutions were an exception to the general rule, they reached only a few.[15]

[15] Ware, E. E. (ed.), *The Study of International Relations in the United States* (New York, 1934), pp. 309 *et seq.*

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As for universities and colleges, few indeed undertook to organize courses setting forth the facts and the importance of pacific solution of international problems.[16]

While the present tendency to study geopolitics in colleges (some 1,500 were reportedly giving such instruction in 1942) indicates an awakening of some sort, that science has been unfortunate in its association with imperialistic expansionism; it may need face lifting for a democratic world. Against these basic lacks a few fellowships abroad and exchange of teachers and students—though good—make very little showing. Compared with Russia's millions of school children, educated from the youngest years in her international philosophy, ours were indeed illiterate as to our own.

Did we have a world philosophy? Certainly, a considerable number of leaders, writers and teachers had it. Paul Monroe, a leading spirit, declared roundly that, whereas politically the United States went isolationist after the war, the teachers of America had a democratic educational philosophy that was acceptable to peoples throughout the world.[17] The comparative weakness of our efforts is traceable not to lack of vision, for there were many who expressed the ideal and proclaimed the willingness. But too few were in a position to translate vision into reality in the schools. In the competitive educational world of America the distant goals suffered constantly, while the immediate, allegedly most practical ends were all but universally pursued.

Teachers for most American schools have been prepared for their work in normal schools, teachers colleges, and educational departments of universities. However enlightened their outlook in respect of education in world affairs may have been, one finds only sporadic evidence of its being translated into curricular offerings to future teachers. Everywhere there was a vast concern with methodology, techniques of teaching and measuring

[16] See, however, an outline of such a course, by George M. Stratton, University of California, *Proceedings, Seventh Biennial Conference,* Tokyo, III, 41-51. The course on war, organized at Dartmouth, was extra-curricular. The University of Kentucky organized a Pan Politikon. Other beginnings might be mentioned.

[17] *Teachers College Record* (March 1925), XXVI, 539-40.

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results, problems of finance and administration, and so forth, all centering in the domestic scene. Some are ready enough to charge the fault to the democracy of our ways, lack of central leadership and guidance. Authority lodged in the seat of government could, of course, have induced schools of education to teach world problems and international citizenship. There is no virtue, however, in throwing out baby and bath together. Any institution that prepares teachers, who in turn shape the outlook of children and youth on the world around them, can set out on its way without a green light from the Office of Education.

World War II gave renewed impetus to thoughtful activity in respect of world education. Just as political planning is farther along, comparatively, than it was prior to the end of World War I, so, too, is educational thinking. Noteworthy documents have been prepared by the Joint Commission of the Council for Education in World Citizenship and the London International Assembly (*Education and the United Nations,* republished by the American Council on Public Affairs); the Educational Policies Commission of the National Educational Association (*Education and the Peoples' Peace*); the International Education Assembly (*Education for International Security,* 1943; and *Education for a Free Society,* 1944); and the Universities Committee on Post-War International Problems (*Education and World Peace*). Numerous similar plans and proposals have been sponsored by other philanthropically minded individuals and organizations.

While in some plans there has been considerable emphasis on rooting out wrong education in enemy countries, preëminent stress is generally given to the fact that, if we are to create a world organization and form a world citizenry, the largest task is the education or reëducation of ourselves. If the world organization is to be democratic, it should be axiomatic that education in and for it should not be imposed by authority. Nations associated in a genuine collective security system, in which economic problems, colonial problems and others are made the regular business of every day, will have no need for the military and mental armament called for by the age of narrow national-

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istic rivalries. If they do not have that security, if they do not solve those economic problems as they arise, no amount of "imposed" world citizenship can effectively supplant the nationalistic mind. An educational organization should be part of the United Nations Charter, not to direct and dictate educational matters in the several nations that compose it, but to provide a central authoritative source of information of all kinds pertaining to the field throughout the world. Properly established, staffed and supported, it would be of inestimable value, carrying through more effectively what Geneva began. As for a direct cultural liaison between individual nations, educational attachés at foreign capitals could perform services of undoubted value.

For some time nations have become increasingly interdependent; today they are more keenly aware of the fact than ever before. What cities, duchies, principalities, kingdoms, provincial states once learned to do, nations are learning for their own preservation. In the larger, interdependent world polity, nations will be richer, not poorer; more secure, not less. Partial, somewhat halting efforts were made to create a world framework after World War I. Another attempt is now being made. Loyalty and service to this larger polity will not mean giving less to one's city, state, or nation, but more. Education that prepares a mentality serviceable to a world order, though differing radically in some respects from nationalistic patterns, will not subvert national interests; instead, they will be enhanced.

A mind conformable to the world community of tomorrow will be formed by two main categories of forces, informal, and formal: (1) the actual conditions, economic and technological, which are everywhere drawing the corners of the world together; (2) educational agencies—schools for young and old, radio, cinema, newspapers, books—all these and many more. The first changes minds inevitably, often quite unconsciously; the second, though working often blindly and at cross purposes, may be used intelligently to adjust man to his new world. Neither category will change human nature; but both will direct it into new channels.

A mental outlook, compatible with the closely interrelated world of today and tomorrow, will bear no more resemblance

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to the nationalist mind, produced in accordance with narrow nationalism of the past centuries, than fresh milk does to canned. Both narrow nationalism and its mental correlate are anachronisms. Mental docility, promoted by the most extreme nationalistic systems, must give way to a critical mind competent to face the world without blinders. The new mind will recognize the significance of common interest and mutual aid rather than selfish interest and competition. It will be cosmopolitan rather than provincial. World citizenship will be as familiar a concept to the new mind as Philadelphian, Athenian, Muscovite have been for centuries past; and men will thrill at being World Citizen, American, Philadelphian, all in one. The likenesses which unite peoples will be recognized as more important than the differences which have previously been stressed to set them off from each other. Arrogant self-worship, which has led peoples to claim the burden of carrying civilization to inferiors, will give way to a decent humility—based on understanding that all peoples contribute to civilization. Some have contributed more, perhaps, to date, than our own nation; others, less. Time constantly redresses the proportions. Science knows superiority in individual persons; but national, or racial, superiority is a myth. The first step is to see the hypocrisy and self-deception in national boasting, and teach the truth about all peoples, and our own motives. Understanding that war between nations is no more inevitable than duelling and feuds between individuals and families, or internal wars between cities, provinces and classes, it will give priority to reason and law, backed by duly constituted police agencies, rather than appeal to the naked force of the greatest armament.

The accomplishment of such far-reaching changes in outlook is a vast task; but the prospect is by no means dark. A sizable majority of Americans (over 7 in 10) now want a world organization—quite reversing the pre-war attitude toward the League of Nations.[18] There is thus a favoring tide; but wanting is not having. To fit ourselves for the world we want, certain shifts of emphasis are necessary in our education; lacunae must be filled, certain *idées fixes* critically examined and rooted out. In

[18] *The Public Opinion Quarterly*, VIII, No. 4, pp. 502-3.

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the latter category are such notions: that war is inevitable; that certain peoples (never ourselves) simply want war; and that world government will not work, even though we wish it would. Nothing would defeat a world order more surely than such lack of confidence in it, such erroneous notions about other peoples, and the diabolic cosmic intent of nature. The majority belief of Americans that war is inevitable does not rest on any careful study of the matter in American schools. A critical comparative study of war and pacific means of settlement of international problems would go far to eradicate such notions.

In respect of other peoples and cultures, if we are to have sounder, saner judgments of them, vastly more time and effort will have to be given to world history and contemporary world affairs, thus establishing a balance between the study of others and ourselves. A general guiding principle might well be emblazoned on the walls of our schoolrooms: "Science and art belong to the whole world, and the barriers of nationality vanish before them." In particular, we shall have to give intensive and extensive attention to certain areas of which we have been grossly neglectful—the Soviet Union, China, India, Africa. In the case of the Soviet Union this involves a vast process of re-education, rooting out the biases and antagonisms zealously fostered for a quarter of a century by informal agencies, such as the press, and abetted by educational institutional negligence which left most students in gross ignorance of Russian life, and hence the ready victims of propaganda. In respect of China and India there has been a friendly, but on the whole an uninformed, interest. We need to study them.

Since many students come to the United States (and there will be more in the future than in the past, some from new areas, some from old) a more systematic effort should be made to consult their interests and needs and enable them to know American life more thoroughly and critically than they can hope to do through books. How many institutions have sought to organize a course or courses giving foreign students an integrated view of American life? Such a program might well combine two phases: study of literary sources in lectures and seminars; and correlated observation of the American scene. Too many

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have known only Philadelphia, New York, Chicago, or other cities where they attended classes; and even those areas they saw only fragmentarily and superficially. If they were to observe American rural and industrial life in all its many-sidedness, its greatest successes, its unsolved problems, they would return to their own lands with more than a smattering from our books. Being more critically informed, they would be more serviceable to their peoples and would have good reason to prize more highly their sojourn among us. As for ourselves, putting more into their education, not letting it go at " take it or leave it ", we would doubtless derive greater cultural benefit from our visitors.

Certain of these changes sum up to a radical renovation of the political education of American citizens, which has been inadequate in amount, myopic as to character. It has been said by a competent observer that the American Army, compared with those of other great Powers, is politically least literate.[19] From personal observation, the writer judges the Red Army to be politically the most literate. Any nation, or combination of them, that can reduce the world in military conflict will be a menace to the world unless it (or they) can yoke power with a comparable degree of political wisdom. It is axiomatic that those who really win a war are they who have that political competence.

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[19] Lattimore, Owen, *Solution in Asia* (Boston, 1945), p. 82.

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THE ORIGIN AND GENESIS OF THE DEADLOCK CLAUSE OF THE AUSTRALIAN CONSTITUTION

EVENTS are now taking place which make it patently clear that the world is on the threshold of an era of constitution making. New constitutions will undoubtedly be drafted for some, if not all, of the liberated nations of Europe, for India, and for regions in the Far East now under Japanese domination. It seems likely that those documents will, in all probability, provide for the setting up of the traditional bicameral form of government. Should that prove to be the case, disagreements over legislation (deadlocks) will inevitably arise between the upper and lower chambers of the newly created governments. In consequence the framers of those instruments of government will be faced with a decision as to whether they should or should not provide some legal means of solving such disagreements. If they should decide to do so, they might well give serious consideration to the method of settling deadlocks which is embodied in the deadlock clause of the Australian Constitution.

The clause attracted attention outside Australia as it was an innovation of the first magnitude in both responsible and federal government when the Constitution became effective for the Australian Commonwealth on January 1, 1901. Later in that same year Viscount Bryce, the noted authority on government, described the method prescribed by the clause of solving deadlocks as an "ingenious" one. By way of further comment he added that "it may prove to be the best method of solving a problem which neither Britain nor the United States has yet attempted to solve, and which certainly needs solution."[1] Still later another prominent English authority on government—Arthur P. Poley—wrote that "the provisions of the [Australian] Constitution to reconcile disagreements between the two houses

[1] Bryce, James, *Studies in History and Jurisprudence* (New York, 1901), vol. I, p. 432.

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[of the Australian Parliament] known as 'deadlocks' are of great importance." [2]

The clause was unique. It provides that, if the House of Representatives passes a bill, which the Senate rejects or fails to pass, or passes with amendments to which the House of Representatives will not agree, and if, after an interval of three months, the House of Representatives again passes the bill, in the same or the next session, with or without amendments, if any, which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve both houses simultaneously. But such dissolution cannot take place within six months before the date of the expiry of the House of Representatives by efflux of time. If the House of Representatives then again passes the bill, with or without amendments made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of both houses. The members present at such a joint sitting may deliberate and shall vote together upon the proposed bill as last proposed by the House of Representatives, and upon amendments, if any, which have been made by one house, and not agreed to by the other. If the bill, with such amendments, if any, is approved by an absolute majority of the total members of the two houses, it shall be deemed to have been passed by both houses of the Parliament, and shall be presented to the Governor-General for the royal assent.[3]

The drafting of this clause was one of the most interesting features of the framing of the Australian Constitution. It was the result of an evolutionary process which had its inception in the National Australasian Convention of 1891. It entered into and passed through other phases, in the Australasian Federal Convention of 1897-1898, and was terminated in the "Premiers" Conference at Melbourne in 1899. The underlying mo-

[2] Poley, Arthur P., *The Federal Systems of the United States and the British Empire* (Boston, 1913), p. 320.

[3] 63 and 64 Vict., C. 12, S. 57.

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tive behind that process was a growing belief among the framers of the Australian Constitution in the expediency of providing adequate legal machinery for settling disagreements (deadlocks) between the Senate and House of Representatives of the Australian Parliament. They came to that decision because of their conviction that disagreements might occur. That conviction stemmed directly from the legislative powers vested in the two houses, especially those delegated to the Senate with respect to money bills. Under the Constitution the Senate has equal power with the House of Representatives in the initiation of legislation, except that appropriation bills and taxation bills must originate in the House of Representatives. The Senate is forbidden to amend taxation bills or bills appropriating the necessary supplies for the ordinary annual services of the government, or to amend any bill in such a manner as to increase any proposed charge or burden on the people. *But the Senate is given the power to suggest, and to persist in suggesting, amendments to bills which it may not amend.* Such amendments may be accepted by the House of Representatives. Taxation bills must deal with taxation only, and no extraordinary appropriations may be "tacked" upon the bill appropriating revenue for the ordinary annual services of the government.

The drafting of the clause was, of course, a matter of devising a means of solving deadlocks which would be best suited to responsible government organized on the federal principle. It also resolved itself, from the very beginning, into reaching an agreement on a method which would be equally acceptable to both the large colonies (New South Wales, Victoria) and to the small (Queensland, South Australia, Tasmania and Western Australia). Proposals providing for the consecutive dissolution, the simultaneous dissolution, the general (mass) referendum, the dual referendum, and the joint sitting were, therefore, brought forward and considered. None of these schemes, however, was wholly acceptable to both groups of colonies. The large colonies objected to the consecutive dissolution for the reason that it lacked finality, in that it presented two different sides of the question in dispute to the people at different times, and, more particularly, because it enabled the Senate, without

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immediate risk to itself, to force the House of Representatives to a "penal" dissolution. The small colonies, on the other hand, favored the consecutive dissolution for the sole reason that it provided for the dissolution of that chamber. The simultaneous dissolution had the recommendation of the large colonies mainly because, in providing for the dissolution of the Senate, it would place some restriction upon the absolute veto of that chamber. However, the small colonies opposed the simultaneous dissolution on the ground that it would place the power of dissolution in the hands of the executive and that that would allow undue pressure to be brought to bear upon the Senate by the government of the day.

Furthermore both groups were of the opinion that the referendum was a more efficient method of settling deadlocks, even though it was new to both responsible and federal government. But they were hopelessly split between the general (mass) and the dual referendum. The former was opposed by the small colonies principally because it would destroy the power of the Senate to protect state rights in that it entirely ignored the individual states. The dual referendum was not acceptable to the large colonies for the reason that it was not conclusive because the states might vote one way, and the people another, on the measure in dispute. With a view to closing this breach and to insuring the adoption of the referendum a compromise scheme was proposed which partially, but not fully, recognized state individualities. It suggested the use of the dual referendum in questions of legislation involving subjects affecting state interests, and the use of the general referendum in all other cases. But it was not acceptable to either group of colonies mainly because of the impossibility of defining subjects of legislation involving state interests.

The inability to reach an agreement on this latter proposal prevented the adoption of the referendum in any form. In consequence another scheme had to be devised which would partially, but not fully, recognize state rights and state individualities. Both groups made concessions. The result was that

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the simultaneous dissolution followed by the joint sitting was agreed upon and adopted.[4]

The size in point of numbers of the Australian Parliament and the matter of representation in the Senate and House of Representatives were the determining factors as to the joint sitting, and, more particularly, as to the size of the vote by which a disputed measure had to pass at such a meeting. It had been decided that the total membership of the Parliament was to be one hundred and eleven. It had been decided further that representation in the Senate was to be direct, while that in the House of Representatives was to be based on the principle of proportional representation. The ratio of representation in the two houses was to be approximately one to two, as there were to be thirty-six senators and seventy-five representatives.[5]

There were, however, other factors of almost equal importance that contributed to the adoption of the joint sitting. One of them was that it was the least expensive of all the devices considered. A second was its finality. A third, and by far the most important, was that its use would cause "less convulsion and disturbance of the machinery of government and business of the country than any other method."

The clause has several outstanding features. In the first place it is founded on the assumption that two popularly elected representative chambers would not always work in harmony, but might, at times, come into serious disagreement. In the second place the provision for the dissolution of the Senate was, at the time, the latest and greatest experiment in federal government, as no other second chamber in any federal system was then liable to be dissolved on any question of general legislation. However, this dissolution was one of the undesirable features of the

[4] *Convention Debates* (Sydney, 1891), pp. 367-369. *Convention Debates* (Adelaide, 1897), pp. 41, 55, 72, 92, 105, 119, 159, 1150-1173. *Convention Debates* (Sydney, 1897), pp. 541-778, 807-980. *Convention Debates* (Melbourne, 1898), pp. 2104-2249, 2451-2452.

[5] 63 and 64 Vict., C. 12, S. 16. The figure for the Senate was reached by the decision that each of the six original states was to be equally represented in that body by six members each. The representation in the House of Representatives as finally agreed upon was as follows: New South Wales 26, Victoria 23, Queensland 9, South Australia 7, Tasmania 5, Western Australia 5.

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clause, in the considered opinion of the eminent authority, Viscount James Bryce, for the reason that the operation of the clause would "involve the expenditure of a good deal of time and the worry of double general election, one for the House and one for the Senate."[6] In the third place the joint sitting was then an innovation in responsible government. Another feature is the fact that the clause does not extend to bills originating in the Senate, but applies only to bills initiated in and passed in the House of Representatives. The feature of the absolute majority was incorporated in the clause because the House of Representatives is about twice the size of the Senate. This feature has a twofold merit in the opinion of Viscount Bryce. According to him the absolute majority is necessary to secure due recognition of both the principle of state rights and the principle of population, in that the joint sitting would be the final trial of strength between the Senate and the House of Representatives as regards the disputed measure. He also expressed the view that those two principles might come into collision, if the members from the four small states were of one mind and the members of the two large states were of another. But, even if this should happen (and he held it extremely unlikely), the principle of population would prevail for the reason that, in the two houses sitting together, the large states would have sixty-one votes (twelve senators and forty-nine representatives), whereas the small states would have only fifty (twenty-four senators and twenty-six representatives).[7]

Furthermore, by the proviso of an absolute majority the artificiality of an extraordinary majority is avoided, and at the same time it is ensured that a majority of the Senate can never be defeated at a joint sitting except by a vote which would amount to a majority of a full joint sitting. In view, however, of the fact that a joint sitting, when it occurs, will be the final stage in a long political struggle, the difference between a simple and an absolute majority loses much of its importance. If the supporters of a proposal do not number an absolute majority, they will be unlikely to win in any case; and if they do number an

[6] Bryce, *op. cit.*, vol. I, p. 432.

[7] *Ibid.*

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absolute majority, it is very unlikely that any member of that majority will absent himself and thereby betray his party at the moment when victory is within their grasp.

The clause has proved to be a very effectual " safety valve ". It has never been fully put into use. However, events in 1913 and 1914 caused the application of it to the extent of a simultaneous dissolution.

A general election was held in May 1913 which resulted in the Labor majority of ten in the previous House of Representatives being turned into a minority of one in the new House. At the same time the Labor Party in the Senate was strengthened and placed in a position of overwhelming superiority in point of numbers. The Prime Minister, Mr. A. Fisher (Laborite), then resigned. The Governor-General, Lord Denman, accordingly summoned Mr. Joseph Cook (Liberal) to form a ministry. Mr. Cook acquiesced, although he pointed out all the difficulties in the way of governing the country.

After the new House had been sworn in on June 9, 1913, the retiring speaker, Mr. Charles McDonald, declined to continue in the chair, and the retiring chairman of committees, Mr. Poynton, also refused to be reëlected. Consequently the Cook Ministry was compelled to find occupants for those positions. That resulted in their loss of the majority of one in the House, with the further result that the House was then composed of an equal number of Liberals and Laborites. If Mr. McDonald had continued to remain in the chair, the Liberals would have had a majority of two with which to carry on the business of the country.

In spite of their precarious position the Cook Ministry persevered in their attempts to govern the country. They introduced several proposals of a non-party character, but at the end of two months' sitting no business of any kind was done in the House of Representatives, and at the same time control of affairs in the Senate was completely taken out of their hands.

It was becoming very clear to the government that no useful business could be done. In desperation they decided to make a further appeal to the people, by causing a disagreement between the two houses in order to bring about a double dissolution, under the " deadlock " clause of the Constitution. With that end

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in view, the ministry attempted to force through the House of Representatives two short measures for the purpose of fulfilling the terms of the Constitution, one of these being the "Government Preference Prohibition Bill" to abolish preference to unionists in the government service.

The design and intention of the ministry were well understood by Parliament and the country. There was no secret or subterfuge in the procedure adopted. After a long and bitter struggle the Preference Prohibition Bill was carried through the House of Representatives and was sent to the Senate where it was rejected. After an interval of three months it was again passed by the House of Representatives, sent to the Senate, and, for a second time, was rejected by that body.

On June 4, 1914, the Prime Minister, Mr. Cook, sent a memorandum to the Governor-General, Sir R. Munro-Ferguson, advising him to dissolve the two houses simultaneously, in accordance with the deadlock clause, as the provisions of that clause had been complied with. On the same day the Governor-General gave the Prime Minister the necessary permission and the two houses were accordingly dissolved simultaneously. A general election of both houses was held in September 1914, which resulted in the complete and overwhelming defeat of the Cook Ministry and the Liberal Party. The Labor Party succeeded in returning large majorities in both the Senate and House of Representatives. As a consequence the Cook Ministry resigned, and it was not necessary to resort to the joint sitting.[8]

However, the Liberals (i. e., the government) unquestionably erred, in the considered opinion of such an eminent authority on the Australian Constitution as Dr. Quick.[9]

The deadlock clause, especially the joint sitting, has had far-

[8] Quick, Sir John, *The Legislative Powers of the Commonwealth and the States of Australia* (Melbourne, 1919), pp. 636-641.

[9] *Ibid.*, p. 641. "The power of a double dissolution is one of the reserve powers of the Constitution and should be resorted to on great and urgent occasions involving momentous issues of legislative policy. The result of the appeal to the country on this occasion shows the force of this warning. The question of preference to unionists was a party question, and not one of national importance or national significance, justifying a resort to such a critical and dangerous appeal. The liberals, on this occasion, staked all and lost. It is not likely that this reserve power will be frequently resorted to in the future. The stake is too serious."

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reaching influence throughout the British Empire. In the years since 1901, constitutions have been drafted for the Union of South Africa, for New Zealand and for India. They went into effect respectively in 1909, 1914, and in 1919 and 1935. All of them provided for the setting up, in some form, of the bicameral type of government. Moreover all of them contain clauses for solving deadlocks. There is every reason to believe that every one of those deadlock clauses stemmed from, and was patterned after, the Australian clause. In support of this assertion it is to be noted that the men who drafted them undoubtedly had knowledge of the Australian clause; that they knew what an effective "safety valve" it was; and that of even greater significance is the fact that all those clauses show varying degrees of similarity to the Australian clause. This is particularly true in regard to the clause in the South African Constitution of 1909 in so far as phraseology is concerned; for, in that respect, it shows a degree of similarity, almost to the point of identity, to the Australian clause. It provides that, if a bill is passed by the Assembly in two successive sessions and is rejected by the Senate, the Governor-General may convene a joint sitting, where the bill as last proposed by the Assembly may be passed if it is approved by a majority of the total members of both houses, and that, if the bill deals with the appropriation of revenue or moneys for the public service, the joint sitting may be held in the same session as the rejection.[10]

The similarity in phraseology of the two clauses was not a matter of accident. The South African clause also stemmed from the legislative powers vested in the two houses of the South African Parliament, and especially those delegated to the Senate with respect to money bills. Under the South African Constitution the legislative powers of the two houses of the South African Parliament were substantially the same as those vested in the two houses of the Australian Parliament.[11] Furthermore the South African Parliament was, for all practical purposes, about the same size as the Australian, as its total membership was one hundred and sixty-one: forty senators and one hundred and twenty-one assemblymen.[12] Finally there is every

[10] 9 Ed. VII, C. 9, S. 63.

[11] *Ibid.*, SS. 60, 61, 62.

[12] *Ibid.*, SS. 24, 33. It was decided that the four original provinces were to have eight members each in the South African Senate, and that the Governor-General was

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reason to believe that the size of the South African Parliament was the determining factor in the adoption of the joint sitting by the South Africans, as was the size of the Australian Parliament in the adoption of that same device by the Australians. But the South African clause was limited to the joint sitting only. No dissolution of any kind was incorporated in it because another section in the Constitution stipulated that the Senate could not be dissolved for a period of ten years after the establishment of the Union.[13]

The clause in the New Zealand Constitution of 1914 also shows some similarity in phraseology to the Australian clause, although not to the same extent as does the South African clause. However, there is a marked degree of similarity as regards procedure, because the New Zealand clause also makes provision for the simultaneous dissolution of both houses and the joint sitting. But the order of their use is reversed. Notwithstanding this, it is still obvious that the clause stems directly from and is patterned after the Australian. It stipulates that, for deadlocks on general legislation, if a bill is passed in two successive sessions by the House of Representatives and is rejected by the Legislative Council, the Governor may convene a joint sitting where the bill in dispute may be passed by an absolute majority of the members of both houses, and that, if it fails to pass at such meeting, both houses may be dissolved simultaneously, but not later than six months before the dissolution of the lower house by efflux of time.[14]

The adoption of the Australian method was wholly due to the fact that the government of New Zealand was markedly similar to that of Australia as to the powers, size, and ratio of representation of their respective legislatures. The similarity of the legislative powers is clearly indicated by the provisions of the New Zealand Act of 1914. Under that act the New Zealand House of Representatives may carry any money bill, defined as in the Parliament Act, 1911, over the head of the Legislative Council. The Council, however, may not initiate a money bill (other than a bill imposing or appropriating fines, penalties, or

to appoint eight members. It was also decided that the Cape of Good Hope was to have 51 assemblymen, the Transvaal 36, Natal 17, and the Orange Free State 17.

[13] *Ibid.*, S. 20.

[14] 5 Geo. V., No. 59, S. 7. Legislative Council Act, 1914.

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fees). But it may amend any money bill, other than a taxation bill, or one for the ordinary annual appropriation, provided that it does not increase the burden on the people. And it may suggest amendments to any bill it cannot amend. By another section of the Act of 1914 the Legislative Council was to be reconstituted in that it was to be changed from a nominee house of indeterminate membership to a body of forty-three members, of which forty were to be elected in the four New Zealand districts on a system of proportional representation and three (male Maoris) members were to be nominated by the Governor. In consequence the Legislative Council was to become substantially the same size as the Australian Senate. Under that provision it was also to become about half the size of the New Zealand House of Representatives, as the membership of that chamber was eighty. None of these provisions, however, has had any permanency because the operation of the Act of 1914 has been suspended on several occasions since its enactment.

The Government of India Act of 1919 also contains a deadlock clause that is somewhat similar to the Australian clause. There is every indication that it may have stemmed from the latter clause, as it stipulates that, if either the Council of State or the Legislative Assembly of the Indian legislature does not within six months accept, with or without agreed amendments, a bill from the other house, the Governor-General may at his discretion summon a joint session. But there is no provision for a dissolution of any kind.[15]

This contention is substantiated by the fact that the government for India as set up by the Act of 1919 was somewhat similar to the Australian as to the size, powers, and ratio of representation of the respective legislatures. Under the act the total membership of the Indian legislature was to be two hundred and five, of whom sixty were to be in the Council of State, and one hundred and forty-five in the Legislative Assembly. The legislative powers were to be shared equally by the two houses, except that financial initiative was to be with the Assembly.

In all probability these same provisos were also responsible for

[15] 9 and 10 Geo. V., C. 101, S. 24. See Keith, Arthur Berriedale, *A Constitutional History of India, 1600-1935* (London, 1936), pp. 243-288, for an authoritative and a detailed account of the history of this act. See also Ilbert, Sir Courtenay, and Weston, Lord, *The New Constitution of India* (London, 1923).

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the adoption of the joint sitting. The limitation of the clause to this device and the absence of any provision for a dissolution of any kind were due, no doubt, to the belief that the joint sitting was not only the best method of settling disagreements between the Council of State and the Legislative Assembly, but was also best suited to the government being set up in India under the Act of 1919.

Similar provisos are also embodied in the Government of India Act of 1935. This act has not yet gone into effect as regards the central government. Notwithstanding that, it provides that, if the Council of State and the House of Assembly of the Indian legislature disagree, or six months pass without acceptance of the disputed measure by the house to which it has come, the Governor-General may, on notification, convene in the next session, but not earlier than six months after his notification, a joint session of the two houses, at which the bill may be passed by a majority of the members voting. If the bill affects finance, or any other matters which concern the discharge of functions in his discretion or subject to his individual judgment, the Governor-General may hold the joint session forthwith. There was no provision in this clause, either, for a dissolution of any kind.[16]

The clause shows enough similarity to the Australian as to both phraseology and method to warrant the view that it may have stemmed from that clause also. In substantiation of this contention it is to be noted that the Indian legislature that was to be set up by the Act of 1935 was to be basically similar to the Australian, even though it was to differ from the latter as to size, ratio of representation, and powers. Under the act the Indian legislature was to consist of six hundred and thirty-five members. Two hundred and sixty of these were to be in the Council of State and three hundred and seventy-five were to be in the House of Assembly. Both houses were to have equal legislative rights. These provisions accounted for the adoption of the joint sitting in this case also. The restriction of the clause to this device and the absence of any provision for a dissolution of any kind were again undoubtedly due to the belief that the joint sitting was the best mode of adjusting differences between

[16] 25 and 26 Geo. V., C. 42, S. 31. See Keith, *op. cit.*, pp. 294-451, for a detailed account of the history of this act.

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the upper and lower houses of the contemplated Indian legislature and the device that was most adaptable to the government that was to be set up in India under the 1935 Act.

The deadlock clause might have come also to the attention of the "Conference on the Reform of the Second Chamber" which was held in England in 1917 and 1918. One of the terms of reference of that conference was "to inquire and report as to the best mode of adjusting differences between the two houses of the Parliament." It is known that the conference considered the joint sitting as a possibility for settling differences between the two houses. It is also a matter of record that Viscount Bryce was the chairman of this conference. Since he had knowledge of the deadlock clause, there is reason to believe that he might have brought the joint sitting forward and that he might have done so by introducing the clause in the conference. Whether the joint sitting was brought forward in this manner or by some other means is a matter of conjecture. At any rate Bryce, in a letter dated April 1918 and addressed to the Prime Minister, David Lloyd George, stated that the joint sitting finally failed to command general assent in the conference even "though some advantages it presented were recognized." The failure of it to command general assent was entirely because of the "very obvious objections which presented themselves in respect to the great size of the united body, the various difficulties attending its procedure, and the possibility that its presence in the background might make agreement in a Free Conference [another proposal for settling disputes] less probable." [17]

This, then, has been the history of the Australian deadlock clause, both at home and abroad, to the present time. Whether the framers of the constitutions after World War II will be disposed to incorporate similar clauses in those instruments of government is a question which will be answered only with the passing of time.

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[17] McBain, H. L., and Rogers, Lindsay, *The New Constitutions of Europe* (Garden City, 1922), pp. 596-597. Viscount Bryce's letter of April 1918 to the Prime Minister.

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CLIO AND MARS

The Study of World War II in America

THE Greek god of war, at least as ordinarily portrayed, does not adequately represent modern war. No longer is the gladiator in ancient armor, furiously brandishing his sword over battlefields, a suitable personification of international conflict. If it is true, as one of our leading generals has contended, that total war is about twenty-five per cent combatant ability and seventy-five per cent industrial, agricultural, scientific, and other potential, then our customary concept of Mars should be drastically altered. Warfare of today affects our social institutions—our ways of thought and behavior, our habits, and our customs—so profoundly that illustrators of the deity of war should somehow add these attributes to him. Patently Mars needs to be put in modern dress.

This is exactly what Clio is endeavoring to do. Clio herself has been modernized to include all phases of human activity. She is interested not only in political affairs, but also in economic, social, intellectual and military. Nor does she deal with these various aspects of life singly, but in their manifold combinations. Now a similar metamorphosis is due for Mars.

Early in the present conflict many American scholars recognized the desirability of studying the phenomenon of war in its numerous manifestations. In their minds it was essential to analyze society in its pathological state of conflict in order to understand more fully society in its more normal functioning. They believed that if scholars did not undertake the task, it would fall by default to the journalist, the amateur and the unskilled. They argued that inasmuch as the social scientist, unlike the physical scientist, cannot conduct experiments in a laboratory he must rely for his "laboratory research" upon the careful observation of society in operation. Consequently, they maintained, social scientists should not allow the data concerning any event so important as World War II to escape them or to swamp them.

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To their entreaties for action was raised the objection that any studies undertaken so soon after the event would be premature —that history could not be written " while it was hot ". The reply given to this argument by the protagonists of " history now " was that every age writes about the immediate or more remote past in terms of its own problems and interests, that although the perspective on World War II would be altered by time there was no reason why the immediate future should not profit from an analysis of what has happened since 1939. " History now " would not preclude " history later on ". Then, too, they placed emphasis upon another consideration—the necessity of processing the vast amount of documentation which was being created. They pointed out that our machines for making written records were so productive that like the Penguin historian in the preface to *Penguin Island* we were in danger of being completely inundated by paper.[1] Their fears were fully justified by events; for, whereas the National Archives has a collection of some 700,000 cubic feet of documents covering the history of the United States from its earliest days, there has been created within the federal agencies during World War II a mass of records estimated to exceed 18,000,000 cubic feet. They argued that an attempt to digest this mass as it was being created would provide a means of winnowing the chaff from the grain; it would indicate gaps that could be filled in by interviews with principals; and it would provide at least tentative first narratives.

To the entreaties of the protagonists of " history now " several persons in the federal government lent an attractive ear. One of these persons was Harold D. Smith, Director of the Bureau of the Budget. Under his aegis there was created a section on War Records Administration in the Division of Administrative Management of the Bureau of the Budget. This section, in its early stages directed by Pendleton Herring of Harvard University and assisted by a Committee on Records of War Administration,[2] adopted a program of encouraging federal agencies to undertake studies of their own activity and of endeavoring to make with its own staff certain interagency investigations. This pro-

[1] Roy F. Nichols, " Alice in Wonderland ", *American Archivist*, III, 149-158.

[2] This Committee consists of Pendleton Herring, Harvard University, chairman; Solon J. Buck, Archivist of the United States; Luther Evans, Librarian of Congress;

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gram has been successful.[3] Some forty agencies have created historical units which have been actively engaged in writing agency histories, with emphasis upon administrative problems broadly conceived.[4] They have also rendered valuable service in the organization of records for preservation or destruction.

Promising as this governmental enterprise appeared to be, there were those who thought the study of the war should be free from governmental connection and planned upon a functional rather than upon an administrative pattern. A group of interested persons discussed these aspects of the problem at a meeting held at the National Archives in December 1942. Subsequently the Social Science Research Council took the matter under advisement and in October 1943 appointed a Committee on War Studies, composed of Roy F. Nichols, University of Pennsylvania, chairman; James Phinney Baxter, 3rd, Williams College; Pendleton Herring, Harvard University; Paul T. Homan, Cornell University; John A. Krout, Columbia University; Dael L. Wolfle, University of Chicago; Donald Young, Director-elect of the Social Science Research Council; Ralph A. Young, National Bureau of Economic Research; and Shepard B. Clough, Columbia University, executive secretary. This body represented those academic disciplines most concerned with the social science aspects of war. It was given a mandate to "plan and promote war studies."

As an initial step in the carrying out of its mandate the Committee prepared a series of research outlines covering various phases of our national life under the stress of war—the eco-

Guy Stanton Ford, Secretary, American Historical Association; Luther Gulick, Institute of Public Administration; Waldo G. Leland, Director, American Council of Learned Societies; Archibald MacLeish, Assistant Secretary of State; Arthur M. Schlesinger, Harvard University; Harold Stokes, formerly chief of War Records Section, President of the University of New Hampshire; Donald Young, Director-elect, Social Science Research Council; and George A. Graham, chief of War Records Section.

[3] See "Plans for the Historiography of the United States in World War II", *The American Historical Review*, January 1944 and "The Recording of World War II", *American Political Science Review*, April 1944.

[4] See minutes of a Conference of Historical Officers, Fall 1944, and of a Conference of Records Officers, Spring 1945, held under the auspices of the Social Science Research Council.

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nomic, social, political, intellectual, scientific and military.[5] Upon the basis of these documents specific studies were planned and authors were sought for them. The men selected for the various investigations are scholars of high professional competence who have a vital, scientific interest in their subjects both because of earlier training and because of personal, wartime experience. They expect to make the study of war the main object of their research in the years immediately following the cessation of hostilities. The Committee on War Studies does not have funds at its disposal sufficient to subsidize this work. Furthermore, it should be stated that the Committee does not intend to assume editorial responsibility for the forthcoming books nor to secure their publication in a series. It has limited its activities to the terms of its mandate.

The list that follows comprises those studies for which definite commitments have been taken by authors:[6]

American Agriculture and the War.

Walter W. Wilcox, School of Agriculture, University of Wisconsin.

This investigation treats of the situation of agriculture and food supply on the eve of the war, war demands on agriculture, the meeting of those demands, both by governmental planning, control and price arrangements and by agricultural producers, and the effects of the war on agriculture and agricultural institutions and farm organizations.

American Industry and the War.

Lincoln Gordon, Department of Government, Harvard University and War Production Board.

This is a study of the demands placed by the exigency of war upon American industry, of governmental planning and control, of the ways industry responded to the war crisis, of interallied coöperation, of industrial demobilization, and of those institutional changes in the industrial segment of our economy effected by the war.

[5] These outlines were distributed gratis to interested persons. Many of them are still available and may be obtained upon request from the Social Science Research Council, 230 Park Avenue, New York 17.

[6] It should be made clear that this list is not exhaustive and that it is not designed to be exclusive.

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Land and Air Transportation During World War II.

JOSEPH R. ROSE and G. LLOYD WILSON, Wharton School, University of Pennsylvania and Office of Defense Transportation, and CHARLES L. DEARING, The Brookings Institution.

The aim of this investigation is to describe how rail, highway, air, inland waterway, and coastwise shipping traffic was handled during the war emergency. It will deal with collaboration between government and private interests, the problems arising from shifts from one type of carrier to another, the rate situation, and issues of local transportation.

Manpower in Wartime.

LLOYD G. REYNOLDS, Yale University and Bureau of the Budget.

This volume will treat the methods used in supplying the manpower needs of industry and the armed services, the methods used in regulating wages, and the interrelations between wage and manpower controls. A particular effort will be made to ascertain the actual impact of wage and manpower regulations and to draw conclusions of lasting theoretical and practical importance.

Public Finance and the War Period.

RICHARD A. MUSGRAVE, Research Department, Board of Governors of the Federal Reserve System.

The study examines federal financing during the war. This will include an analysis of the relationship of war finance to the war effort in "real" terms; tax versus loan finances; wartime taxation of corporations and individuals; the process of wartime inflation and the relationship of fiscal measures to so-called direct controls; money costs and real costs of the war and their distribution between economic groups; "tax policies during the war"; the aftermath of war finance, particularly the implications of the public debt for post-war policy. Also there may be some comparative references to war finance in other countries, especially the United Kingdom.

American Foreign Economic Relations.

NORMAN S. BUCHANAN, Department of Economics, University of California, with the assistance of F. A. LUTZ, Department of Economics, Princeton University. This study is being conducted under the auspices of the Twentieth Century Fund.

The survey presents the factual background required for understanding alternative American post-war policies in the fields of

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currency controls, foreign investments, and commercial and trade policy. This necessitates a review of American experience during the interwar period and of developments during the war, all with a view to their relevance to questions of our foreign economic policy in the long-run post-war period.

Topically, the subject of foreign economic relations breaks down logically into three related areas: (1) currency and foreign exchange relationships and problems, (2) international lending and investment, and (3) foreign trade (in services, as well as goods) and commercial policy. Chronologically, three periods of distinctly different character are considered: (1) the decade of expanding investment and trade volume after World War I, (2) the 1930's with the collapse of investment and trade and the rise of exchange and trade controls, (3) the present war period with trade controlled for military purposes and lend-lease operations.

Rationing in the United States in World War II.

JOEL DEAN, School of Business, Columbia University.

This study attempts to distill from the rationing experience of the United States in the second World War the lessons that may be of significance to students of economics and public administration and may be helpful in the event of the need for rationing in the future. The attack is analytical rather than descriptive. The aim is to examine the strategic problems and issues of rationing programs and rationing administration, to analyze the alternative solutions that were considered, and to appraise the adopted solution in the light of operating experience. Although all rationing programs are covered, clarity of focus is sought by concentrating on one program in each major category.

History of Price Control During World War II.

GEORGE R. TAYLOR, Department of Economics, Amherst College, and Office of Price Administration.

This study explains the situation which prompted the investigation of price control, the introduction of price control, selective price control, "holding the line", the problems involved in controlling prices, and a general appraisal of our wartime price policies.

Central Banking During the War.

KARL R. BOPP, Director of Research, Federal Reserve Bank of Philadelphia.

This study, conducted under the auspices of the Federal Reserve

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Board, focuses its attention on central banking policies, the enlarged scope of the system's action, and the wartime relationship between central banking and the economy.

Wartime Shipping.

JOHN G. B. HUTCHINS, Department of Economics, Cornell University, and War Shipping Administration.

This book deals with the international shipping situation prior to the war, what happened between September 1939 and Pearl Harbor, subsequent shipping requirements and how they were met by private shippers and the government, interallied coöperation, the shipping problems in the various theaters of operations, and the probable effects of the wartime period upon the American merchant marine.

Minority Groups under the Stress of War.

LOUIS WIRTH, Department of Sociology, University of Chicago.

The plan of this study follows in general the research memorandum prepared on this subject by Professor Wirth for the Social Science Research Council. Consideration would be given to the effect of the war on the status and rôle of the group, on the attitudes of group members, on the attitudes of others toward the group, and on the actual structure of intra- and inter-group relations.

The Effects of the War upon American Population Movements.

PHILIP M. HAUSER, Bureau of the Census, and CONRAD TAEUBER, United States Department of Agriculture.

This study involves a consideration of demographic trends during the war period—the reasons for them and their probable duration—war casualties and their effect upon population movements, internal migration, and the impact of wartime population changes upon population theory and upon our institutional life.

War and Social Problems.

FRANCIS E. MERRILL, Department of Sociology, Dartmouth College.

This study deals with the effects of the war upon certain social problems. The first section will consider the social impact of the war in terms of such processes as social change, mobility, congestion, control and conflict. The second section will consider the effects of the war upon the family in terms of its structure, functions, relationships, tensions and disorganization. The third sec-

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tion will consider the effects of the war upon such individual problems as adolescence, juvenile delinquency, crime, sex relations and mental derangement. The central thesis will be the acceleration of social change resulting from the war and its resultant effect upon certain social problems.

Public Opinion Research as a Guide to Government During the War Period.

JULIAN WOODWARD, Office of War Information, and LEONARD COTTRELL, Department of Sociology, Cornell University, and Special Service Division, War Department.

This study deals with the techniques of public opinion and market research used by government agencies during the war period. It outlines the major findings of this research and attempts to evaluate their influences on administrative and information policy. An effort also is made to assay on the basis of the war experience the future usefulness of the opinion research tool as an adjunct of government.

As now planned this study presents a symposium by authors in various agencies of government.

The Dissemination of War Information.

HAROLD F. GOSNELL, Bureau of the Budget.

This study deals with the various governmental agencies which concern themselves with the dissemination or control of information and to some extent with private agencies which are devoted to keeping the public informed of war issues.

Civil Liberties in Wartime.

ROBERT E. CUSHMAN, Department of Government, Cornell University.

Total war by nature encroaches upon the normal freedom of the individual and may infringe some of his civil liberties. To what extent this has been true during World War II and how the problems involved have been handled are the subject of this book.

Problems of Wartime Administration.

V. O. KEY, Department of Government, The Johns Hopkins University, and Bureau of the Budget.

The task envisaged here is not to describe particular wartime agencies and their activities—that will be done by the historical officers of the agencies. It is rather to deal with the major problems,

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issues and theories of wartime administration and to consider administration against the background of our social process.

The Law Making Process.

ROLAND YOUNG, formerly Department of Government, Harvard University, at present in service with the United States Army.

The purpose here is to analyze the legislative branch of government under the stress of war. The analysis deals with distinctive war-induced legislation, with the stresses placed by war upon cumbersome machinery, and with the relations between the legislative and executive branches of government, and especially with the place of the legislative in the trend toward government by administration. It treats of Congress as critic, positive agent and obstructionist. Attention also is given to party politics as reflected in the legislature.

Political Aspects of Associational Life under War Conditions.

ARTHUR W. MACMAHON, Department of Public Law, Columbia University.

This is an investigation of organized groups and their rôle in political life, of unorganized groups and their reaction to the activities of organized bodies, and of class structure and its political implications.

Political Behavior in Wartime.

E. E. SCHATTSCHNEIDER, Department of Government, Wesleyan University.

This study deals with the intensification of party organization and activity in recent years, wartime national unity as a factor in national politics, the condition of one-party areas during the war, the Solid South in transition, effects of recent political realignments in the populous industrial states on the sectional pattern of politics, the expansion of the electorate, its causes and consequences, and the rise of new types of political organizations such as the Political Action Committee.

The Impact of the War upon American Foreign Relations.

HAROLD SPROUT, Department of Government, Princeton University, and MARGARET SPROUT, Princeton, New Jersey.

This study involves a reappraisal of the political position and international rôle of the United States in the light of revolutionary changes in the emerging world situation. The study is definitely not a conventional diplomatic history of the war. The intention

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is rather to analyze the foundations of diplomacy—geographical, demographic, economic, military, technological, ideological, and so forth—as these have been affected by the second World War.

Changes in the Methods of Conducting American Foreign Relations.

WALTER H. LAVES, Department of Government, University of Chicago, and Bureau of the Budget.

During the war a number of changes have taken place in the conduct of American foreign relations. The area of exclusive control by the Department of State has decreased, owing to the creation of new civilian agencies with foreign responsibilities, the dominant influence of the military, the inevitably growing concern of all domestic agencies with foreign affairs (already evident during the preceding twenty years), and the direct concern of the President for the actual conduct of foreign affairs. In addition, the government has become involved in new operational functions related to the war, in economic, informational and cultural affairs. Finally, the direct interest of the public has been recognized by much greater consultation between organized groups or individuals with the Department of State and other agencies. This study treats of these matters.

The Role of the Community in Wartime Mobilization.

HARRY ALPERT, Department of Sociology, College of the City of New York, and Bureau of the Budget.

One of the basic ideological conceptions still prevalent in twentieth-century America is the assumption that the local community is an effective instrument of social action. In fact, many of the activities of the federal government relative to the mobilization of the nation for war were based on this belief. The problems to be explored are: (1) How valid is this assumption? (2) What has been the experience of the programs which have operated on this assumption? (3) To what extent has the effectiveness of these activities been affected by the effort to mobilize America for war by means of reliance on the local community unit?

Wartime Financing of Business by Government.

ROLAND I. ROBINSON, Research Department, Board of Governors of the Federal Reserve System. (Tentative)

This study is an investigation of the financing of business by government during the war. Attention is focused upon (1) the

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guaranteeing of credit by war agencies, (2) direct lending to business, (3) indirect lending arising from the considerable volume of advance and progress payments by procurement agencies, (4) financing resulting from lags in corporate tax collection, (5) involuntary indirect financing arising from government ownership of stockpile inventories, and (6) indirect financing growing out of government construction and ownership of plant facilities not adaptable to peacetime production.

In its original plans, as has already been suggested, the Committee envisaged studies in the fields of military affairs, the humanities, and the physical sciences. In the course of time appropriate agencies have assumed the task of preparing studies in these areas. Historical officers have been appointed in all branches of the armed services; they now have an elaborate program under way; and in the Military Institute they have an active organization to plan research. For studies in the humanities the American Council of Learned Societies has appointed a Committee on War Studies of its own. This body consists of Merle Curti, University of Wisconsin, chairman; Richard Shryock, University of Pennsylvania; John Herman Randall, Jr., Columbia University; Waldo G. Leland, Director of the American Council of Learned Societies; Roy F. Nichols, University of Pennsylvania; and Shepard B. Clough, Columbia University. It has arranged for the following studies:

The Impact of the War upon the American Mind.

JOHN HERMAN RANDALL, JR., Columbia University.

The Impact of the War upon American Education.

ISAAC KANDEL, Teachers College, Columbia University.

The Impact of the War upon the Arts.

(This is a symposium, the authors of which have not yet been announced.)

International Cultural Relations in Wartime.

WALDO G. LELAND, American Council of Learned Societies.

In the field of the natural sciences, plans for war studies include (1) a history of the achievements of the Office of Scientific Research and Development—a task with which James Phin-

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ney Baxter, 3rd, is charged; (2) a medical history of the war under the direction of John F. Fulton, M. D., of New Haven, Connecticut—an enterprise which may have to be tabled because of the lack of Army participation; (3) the history of several sciences by the various divisions of the National Research Council—the history of psychology during the war by Dael L. Wolfle, University of Chicago, a history of military geology, and the collection of materials for a history of chemistry and a history of engineering and industrial research; and (4) the history of specialized subjects like radar and the work of the National Advisory Council for Aeronautics. There is also under consideration the preparation of a history of the National Academy of Sciences and of the National Research Council—an enterprise which would place emphasis upon science in wartime.

With these multifarious studies of wartime America in progress, to say nothing of the several state and local histories being promoted by the American Association for State and Local History, there seemed to be a need for a body which would try to integrate them all—a body to meet and clear problems and obstacles as they were encountered. For this purpose the Committee on War Studies of the Social Science Research Council and the Committee on Records of War Administration decided to associate themselves, although each retains its own identity and original assignment, to form the Advisory Council on War History, with Guy Stanton Ford as chairman. To this body have more recently been added representatives of the Committee on War Studies of the American Council of Learned Societies and of the National Research Council. Thus far the Advisory Council on War History has concerned itself especially with relationship between governmental and privately undertaken studies, the declassification of documents, comparative international war studies, and the bringing of the entire American program to fruition. It exercises oversight of a program where the prospects are bright for a more adequate appraisal of what war does to society than has previously been undertaken. It attempts to regard Mars as the god of modern war.

SHEPARD B. CLOUGH

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CONGRESS — DIAGNOSIS AND PRESCRIPTION

WITHIN recent weeks two important reports on reforming Congress have been published. Under the aegis of the National Planning Association, Robert Heller has written a forty-page pamphlet entitled *Strengthening the Congress.*[1] George B. Galloway, chairman of the Committee on Congress of the American Political Science Association, has made public the report of that committee under the title, *The Reorganization of Congress.*[2] The latter, more than twice the length of the Heller report, covers essentially the same ground but incorporates background material to preface and, in a measure, to defend the various proposals incorporated in the report.

The essence and most of the substance of the Heller report are embodied in five "prerequisites" and fourteen "recommendations" for strengthening Congress. Mr. Galloway also presents recommendations, ten in number, but accords them scarcely two pages and utilizes them chiefly as a summary recapitulation to conclude his report.

Comparisons are perhaps irrelevant, but the Heller report seems likely to attract wider attention. Its propositions are boldly set forth along with brief summaries of supporting reasons. Mr. Heller is an efficiency engineer. His experience in formulating persuasive reports is reflected in the excellent sales document he has presented. The Galloway brief, on the other hand, though filled with useful and pertinent information, and written in simple, nontechnical language, is organized in conventional academic fashion and makes no effort to attract and hold attention through its format. Accordingly, to the general public the Heller report is likely to be a more appealing

[1] Robert Heller, *Strengthening the Congress.* Washington, National Planning Association, 1945. iii, 41 pp. $0.25.

[2] George B. Galloway, *et al., The Reorganization of Congress.* Washington, Public Affairs Press, 1945. 89 pp. $1.00.

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sales argument than the Galloway brochure even though the commodity they offer is identical. The serious student of government will probably prefer the Galloway report because it is more comprehensive, contains more supporting factual data, and characteristically shows greater deference to the complexities of the problem as a whole by employing greater caution in prescribing remedies.

Quite naturally the authors have duplicated each other in subjects covered, sources consulted and proposals considered. It is not surprising that their general conclusions and recommendations should be in substantial agreement. There is some cause for gratification in the negligible differences encountered in view of the diverse backgrounds of the two authors. When academic representatives (the committee was not entirely academic in composition but seven of its ten members belong or have belonged to college faculties) and a person who depends for his livelihood upon his success as a trouble shooter and efficiency engineer to private business both look at Congress and come away with similar reactions, their conclusions deserve serious consideration.

Of the nineteen reforms suggested by Mr. Heller in his five "prerequisites" and fourteen "recommendations" all but four are found, sometimes in slightly different form, among the ten summary recommendations of the Galloway report. Where a specific recommendation of Mr. Heller is not paralleled in Mr. Galloway's report, e.g., establishment of a stringent cloture rule for the Senate, or adoption of a question period procedure, the omission is deliberate. Mr. Galloway discusses the controverted proposal pro and con in the body of his report but refrains from recommendation, probably because his colleagues were unable to reach a consensus.

To put the matter briefly, both reports agree that Congress should reduce its load by delegating such routine yet time-consuming functions as District of Columbia affairs, private claims, pensions, and other private and local legislation to appropriate administrative agencies; congressional committees should be more adequately equipped for their work; the Legislative Reference Service should be amplified and strengthened;

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the committee system should be simplified and correlated as between the two houses; some provision should be made for over-all leadership and coördination; better liaison between Congress and the Executive should be established; improved techniques and organization for congressional review of administration should be provided; pressure group activity should be brought out into the open so that its influence will not be unduly magnified; the seniority system for choosing committee chairmen and other positions of responsibility should be replaced; congressmen should receive more money for themselves and greater allowances for help; provision for retirement pensions should be adopted.

On no point do the two reports disagree sharply, although some differences, usually in detail, may be noted.

Mr. Heller believes that the salary of members of Congress should be increased to $25,000; Mr. Galloway and his associates recommend the more modest figure of $15,000. Heller's retirement-benefits proposal is also much more generous than Galloway's.

A solution to the ever-increasing demands upon legislators' time is sought by both reports. Heller believes the answer lies in more and better paid assistants on the staff of the individual congressman, supplemented by a central congressional service bureau which would be established. The Galloway report attacks this troublesome yet delicate issue more boldly. It takes the view that the congressman must be relieved of much of the picayune personal service heretofore accepted as part of the legitimate responsibility attached to his office. Some of the work can be transferred to such agencies as the Public Inquiries Division of the Office of War Information and Inquiry Section of the Legislative Reference Bureau. Private claims might be handled by the Claims Division of the Department of Justice. But more fundamental is the suggestion that Congress formulate a Charter of Congressional Freedom setting forth the boundary lines beyond which congressional errand-running for constituents will no longer go. The committee urges this step with full appreciation of the obstacles which threaten its successful execution. Two points seem certain: No other single

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reform would do as much to free the average member of Congress for the more statesmanlike duties charged to his office; and only by concerted action can such emancipation possibly be achieved.

Greater attention to administrative oversight finds mutual approval, but the authors differ on where administrative supervision should lie. Heller assumes that this task would be done by the committees which reported the legislation. The Galloway report is slightly ambiguous on this point. On page 58, it suggests reorganization of congressional committees along major policy lines—" without dovetailing them with any fixed departmental scheme ", and use of these committees—or the House appropriations subcommittees—to watch over and work with their corresponding administrative services. But on page 80, as Recommendation 7, it urges " That the function of legislative oversight of administrative performance be entrusted by Congress primarily to the subcommittees of the House Committee on Appropriations."

The related question of expanding staff organization prompts Heller to advocate material expansion of both standing committee staffs and the Legislative Reference Library staff. He contends that their jobs are complementary and distinct. Galloway is more circumspect. His committee differs within itself on the desirability of creating large permanent staffs for each standing committee. Though the advantages of this step are obvious, it carries with it dangers which might more than nullify any benefits gained. The Galloway committee hesitates to suggest the creation of a second bureaucracy—this one within Congress itself — when the opportunities for self-perpetuation and expansion might well make it the most powerfully entrenched vested interest in the entire governmental structure. One gets the impression that the author leans toward an expanded Legislative Reference Service to provide a pool of expert researchers which might be drawn upon by any committee when its work required additional personnel.

Similarly, instead of general expansion of the investigatory function as suggested by Heller, the Galloway committee proposes systematic use of appropriation committees (particularly

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the House committee) for this task. Rather than create a permanent committee staff, the political scientists suggest that qualified personnel be borrowed temporarily from the appropriate administrative agencies.

Both reports discuss the " seniority rule ", which, it should be remembered, is not a rule but a solidly entrenched custom. Both acknowledge its unsatisfactory operation and injurious effect. Neither is able to prescribe a specific substitute, although both list some suggested alternatives, without recording their own judgment or preference. Heller explains that this is an *internal* problem which should not be tampered with by someone *external* to it. Galloway gives no reason for his reticence but it is not unlikely that his colleagues found themselves unable to agree upon a specific recommendation.

To meet the present lack of an organ of congressional leadership which would supply a unified yet comprehensive view, both reports recommend new machinery. The committee of political scientists takes a leaf from recent state experiments and suggests the creation of a Joint Legislative Council charged with responsibility for preparing and initiating a legislative program. This "joint steering committee ", which would be composed of leaders of the majority party only, " would seek an organic, overall approach to public problems instead of the piece-meal, splinter approach now prevalent."

Mr. Heller is fearful that the two houses are not sufficiently broken to double harness to pull together. Therefore he advocates the creation within each of a Major Policy Committee also restricted in membership to the majority party; he looks to liaison between the two committees to supply the necessary coördination.

The issues of leadership and seniority are not considered jointly in either report. Neither are they singled out for greater attention than any of a dozen other points, but they seem inseparable and fundamental. As long as leadership must hinge on something as tenuous and irrational as the seniority system, it is impossible to make it responsible. But even assuming that the personnel of the new steering committee is selected on the basis of merit, the extent to which it achieves the high goals set

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for it remains to be seen. A committee composed of the legislative leaders who are charged with major responsibility for legislation would probably regularize legislative planning and in this way integrate the work of the various committees. By pooling their interests and viewing the prospective legislative program compositely the committee could guide and synchronize procedure so as to gain a more effective utilization of the legislative timetable. Control of procedure has been the prerogative of the party in power ever since it was wrested from the personal domination of the Speaker in 1910-1911. While substitution of a more broadly based, officially recognized committee for the informal "Big Four", or whatever combination of leaders happens to be in vogue at the moment, conceding that it would have some advantages—and disadvantages—is not likely to introduce fundamental change in the operation of congressional machinery, it can contribute materially to legislative efficiency.

Both reports, however, indicate by their language that they contemplate something more basic than a switch in procedural direction. On page 54, Mr. Galloway says of his proposed joint Legislative Council, "It would provide informed, responsible legislative leadership and promote coherence and continuity in policy making." Mr. Heller explains, "Majority Policy Committees could furnish an effective mechanism for the exercise of party leadership and a focus for party responsibility and accountability."

"Responsible legislative leadership", "continuity in policy making", "party leadership", and "party responsibility"—terms such as these imply something more fundamental than traffic control. In what sense would "responsible leadership" be achieved? If it is meant that the new leadership will be responsible because it will be composed of those individuals in each house who are recognized by their colleagues as responsible men—as distinguished from crackpots, freaks, demagogues, etc. —no one can take exception. If, through some modification in the method of selecting committee chairmen, real ability, integrity and capacity for constructive leadership became the criteria upon which men were elevated to posts of influence, and if the

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task confronting the individual congressman were brought within manageable human limits, the quality of congressional work would undoubtedly be much higher than that now possible under existing intolerable conditions.

But if anyone believes that such modifications in organization as those suggested above would render Congress responsible in the parliamentary sense, he is mistaken. More than a rearrangement of the committee system will be necessary to transform a political pattern which traces its character to such basic factors as our constitutional system of checks and balances, the American two-party system (itself influenced by constitutionally dictated mechanics), and the sectional differences which color congressional action.

Pick out the ten or fifteen most able and most respected leaders of the majority party in each house, vest them with the title and powers of the new steering committee, and put them to work. What could they do? In a large degree they could determine *what* Congress should consider; they could exercise pretty full control over the order in which various bills should be discussed; they could use their procedural controls as weapons of persuasion to marshal a certain number of votes this way or that—on issues where the congressman concerned is not bound by local considerations in his home district and is therefore relatively free to vote either way. But on the major questions which involve large segments of people in various groupings—economic, social or regional—these leaders could do little to determine *how* Congress would vote unless they were armed with some form of sanction for bringing recalcitrants into line.

The problem of sanctions is crucial—and obstinate. Such sanctions as are available are usually bound up with the personnel aspects of party—jobs which may be distributed under the direction of the individual member of Congress. But these are not at the disposal of the steering committee and there seems little likelihood that the President will be willing to relinquish control over this most potent instrument of persuasion. The party caucus is not feasible as a tool to promote party solidarity when it is employed on an issue which lies athwart both parties —as so much of our major legislation does. Stated conversely,

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how can we have party responsibility on an issue when the party as a whole has not agreed upon a policy? American parties being what they are—loose coalitions of individuals and groups with widely ranging interests and aspirations—unanimity on policy matters is out of the question. This fact is well known and has been demonstrated repeatedly in every session of Congress. It goes to the very heart of our two-party tradition and this is not the place to review well-known history, but the question of party responsibility in Congress is inextricably bound up with the very nature of our party system and cannot be revolutionized simply by changing the tumblers in the combination which operates the legislative mechanism.

Party responsibility in the form of a program of definite policy commitments on the major issues does not lie within the realm of possibility as long as our present two-party system continues. If the future welfare of our country—and the revitalization of Congress—depends upon the attainment of this kind of responsibility, our political architects had better shift their attention from Congress to those of our political institutions which lie nearer the grass roots. Although the question of party composition and its influence upon party policy is only tangential to the subject under discussion, it is impossible to refrain from brief comment. It is popular to heap abuse upon our two major parties because they "do not stand for anything". Just the opposite is actually the case. Our parties are ambiguous, vague, straddling, not because they do not stand for anything but because they stand for everything. Since they are both made up of the same kind of people it is only natural that they should stand for about the same objectives, with slight momentary changes in emphasis and tempo. The doctrinaire finds this difficult to understand and impossible to approve, but in it lies the strength of American democracy. If the time ever comes when our chief parties divide sharply along class and economic lines, then we may seriously begin to worry about them, because the essential ingredient of democracy is compromise, and compromise will become progressively more difficult as the differences between our parties receive greater emphasis.

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There is another sense, however, in which party responsibility can be promoted, one which is entirely within the realm of practical attainment and which would elevate congressional behavior to the benefit of everyone. Let the party in power in Congress accept responsibility for placing its program and procedural control in the hands of the group which it collectively selects as its acknowledged leaders. When the lay public comes to realize that those in the positions of prominence have been chosen in recognition of their merited eminence, these leaders could exert enormous influence by their statements on public issues. Collectively they could draw up an agenda, presumably in consultation with the President if he were of the same party —possibly regardless of this condition. This agenda would constitute the practical minimum upon which agreement could be reached by a majority. This majority would probably be bipartisan because that is the normal situation in Congress, but that would not nullify the importance of the responsibility which would be present. The party assumes the responsibility of selecting its acknowledged leaders to represent it; the leaders accept the responsibility of formulating a program which represents the national interest as they see it and which they in their political wisdom believe to be within the limits of practical attainment; they present this program to the country and defend it to the best of their ability. The voters, convinced of the integrity of these leaders, whether they agree with their point of view or not, are in a much better position to judge the issues and pass judgment upon the final decisions of the Congress. Our political system will not have been changed; demagoguery will not have been eliminated; individual congressmen will still vote their convictions or record the wishes of those who dominate their constituency. But it will be easier to judge the party in power by its works, as distinguished from its promises, and, perhaps, even its promises will be more significant than formerly.

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REVIEWS

Politics and Morals. By BENEDETTO CROCE. Translated by Salvatore J. Castiglione. New York, Philosophical Library, 1945. —204 pp. $3.00.

"The humble and virtuous peasant girl may have as much moral value or even greater moral value than the most powerful hero in history and she will go to Paradise, while the hero will go to Purgatory, if he does not go directly to Hell. But in the histories that are studied, narrated and meditated upon, that sinner will appear and be admired, whereas nothing will be said of the peasant girl" (p. 100). This statement reveals in as simple a way as any the approach of Croce, the philosophical historian, to the perennial problem of the relationship between politics and morality.

The difficulty of this problem comes from the fact that it raises at once that of the relation between individual and state. Politics does not deal with individual values; hence political action per se, by its very nature, cannot be moral or immoral, in the sense at least in which the criterion of morality applies to individual action. But a confusion arises at this point, for the concept of state as an entity with its own life above and beyond individuals has no meaning; in other words, the state cannot exist *in vacuo*, apart from the individuals that make it up. The issue between state and individual is therefore a real one.

What are the nature and the origin of the state? The state is a series of useful (political) actions (p. 5); by enlarging the concept of force to include moral force (suasion, wisdom, etc.), the dilemma whether the state is founded on force or consent is made to vanish. This view implies a far broader concept of legitimacy than the one offered by Ferrero (*The Principles of Power*) and we can see how it touches on the root of such a contemporary issue, so widely debated amid so much confusion, as the degree of responsibility of the German people for the Nazi régime. If Croce avoids Ferrero's difficulties and weaknesses by asserting that "every consent is more or less forced" (p. 13), his approach, avowedly and deliberately philosophical, raises perhaps the deeper question of the value of philosophy in politics. If the latter is useful, hence practical, action, differences of degree may be more important than abstract or verbal distinctions, however valuable these may be for the constructions of neat systems. No very useful

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result will have been achieved if we come to erase the distinction between totalitarian and democratic systems, however well it may be to be aware of the existence of the factor of compulsion in the imperfect existing forms of the latter. The same may be said of Croce's statement that the distinction between monarchy, aristocracy and democracy has value only as representing three phases of political life in any state, since collaboration is for all, advice for the few, and decision for one (p. 17). We all know that the British monarchy has become far more democratic than many existing republics; this does not invalidate the reality of the issue between monarchy and republic during the American and French Revolutions. The meaning of words does change, the essence of the conflict does not.

Croce would indeed take exception to such implications being read into his thought. This in itself raises another question, namely that of the relation between any one system of thought, philosophical or political, and the consequences which are subsequently drawn from that system. The full-grown child may be an object of surprise to the parent, yet the plant is contained in the seed. An example of this is Hegel's philosophy of the state. Hegel's ethical state would be Croce's way out of the conflict between politics and morality, but the mistake in this case, according to Croce, lay in identifying the ethical state with the political state and finally equating the latter with the state as it was, that is, the conservative, authoritarian, Prussian state. This incidentally explains why Hegel is now charged by many with a share of responsibility for the German state of our time, while he is exonerated by others.

Croce, the historian, contrasts the two views of history, the pessimistic and the optimistic. The former sees the course of human events as the result of a tangle of forces, essentially outside of our control. If we hold this view, the best that we can do is hope passively for the triumph of those forces that we consider good and favorable. But against this, Croce sets out the optimistic view, his own, which regards history as what we make of it, a perpetual becoming, wherein the forces of evil may triumph at times, but only for a time. His little book may in fact be regarded as an interpretative survey of the history of the philosophy of politics during modern times with an eye to bolstering this view.

Modern times in this sense begin with Machiavelli who stands out unique and unrivaled. Machiavelli has contributed to the language the adjective machiavellian, the meaning of which is much less debated than that of his political writings. Machiavelli's chief title to fame is that he was the first to assert clearly the necessity and the autonomy of

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politics (p. 59). The opprobrium which has attached to his name comes from his pessimistic outlook; he did not advocate the existing state of affairs as ethically desirable, but his view of the nature of man was essentially rooted in the belief in original sin, a belief also held, interestingly enough, by the contemporary authors of the Reformation. Believing in the innate badness of man, the nature of his activity as political animal was observed to be beyond, or rather below, good and evil. Machiavelli accepted, without approving or condemning, what he considered to be fact, and proceeded to describe the laws of political activity. To have done otherwise would not have been to support morality; it would merely have been unrealistic and utopian.

Machiavellians and anti-machiavellians, in the later sense, have alike misunderstood the meaning of the man. His real continuator was Vico who, seeing in force the creative factor in society, could take a brighter view of the course of history. This is close to Croce's own outlook. But Vico obtained no recognition in his own time. Leaving aside the obscurity of his thought, this lack of recognition was due to the fact that his ideas were alien to the dominant spirit of the period; for the Age of Reason, very inferior in this to Machiavelli, indulged in purely rational constructions that bore little relation to reality. Even Rousseau, the irrational romantic, succumbed to the spell with his belief in natural man and natural law. Croce finds this age both anti-political and anti-historical; the slogan of liberty, equality, fraternity an utopian fantasy. There is no denying the element of naïveté in the political outlook that led to the French Revolution. This very naïveté was to a degree responsible for the excesses of the Revolution: the builder of the ideal society is apt to lose patience with the weakness of man and, having overthrown one tyranny, makes an easy transition into intolerant fanaticism (our own time has seen the same phenomenon). Yet, granting all this, one must recognize that ideas, regardless of their truth, are themselves forces, and Croce has to acknowledge the rôle of the ideology of the eighteenth century in shaping the subsequent course of events.

The soundest contribution of this ideology, whatever its naïveté, vagaries and excesses, lies in the assertion of the worth of the individual. Croce, however, prefers to focus his attention on what he calls liberalism, an attitude of mind, an outlook toward life, rather than a well-defined concept. This liberalism appears to him exclusively modern and, in the light of this assertion, he proceeds to examine and interpret the course of the nineteenth century.

Thus is raised the most interesting issue of the correct interpretation of the trend of events during this period, and especially since 1870.

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That date, one may grant, marks a turning point, even though we are too close to it to have attained sufficient perspective. Up to 1914, the prevalent *zeitgeist* may be described as optimistic materialism, of which the naïve worship of the god progress was the most concrete manifestation. With the immediate background of events since 1914 before us, and under the influence of the disillusionment that followed the first World War, we have tended to search the recent past for the roots of our difficulties. It is a commonplace to present that war and its sequel as the inevitable result of forces at work before. It is now clear that the forces of reaction, as well as those expressing a response to new phenomena, Marxism for example, were equally inimical to the assertion of the supreme worth of the individual. But Croce would see in these events a manifestation of the shortcomings of assumptions (free enterprise, nationalism, even democracy with its mechanical concept of equality) related to, but not identical with, liberalism—assumptions that were too unquestioningly accepted. He finds the divergence between idea and reality only apparent: the first part of the century made evident a great guiding principle, but, having done so, proceeded to hasty generalizations; after 1870, the difficulties became clearer, but the struggle, while more bitter, is fundamentally a continuation, rather than a denial, of the trend (p. 142).

This is indeed an article of faith. It is well to take exception to the undue stress laid upon the economic activity of man, which found its most thoroughgoing expression in the doctrine of Marx. Yet one wishes that the connection between economic and political liberalism, in particular the claim that the latter is a mere by-product of the former, had been more thoroughly searched; for the view that we take of this issue is vital. Or again, the impact of science and its derivative industrial development; this last is after all more truly an exclusively modern phenomenon than the liberal outlook. More could be said also of the relation of individual to state. To assert that the individual may, sometimes must, sacrifice his life, but never that of the state, and that "history does not acclaim as heroes those who have sacrificed their native land to an ideal" (p. 192) (what will history say of Lenin's behavior in 1917?) raises the whole central problem of values which should be most appropriate fare for the philosopher.

But, in the last analysis, Croce's act of faith and assumption are justified; for, unless and until we resign ourselves to the passive acceptance of what is, we must act *as if* history were what we make of it. It is well, however, to realize that we shall be acting on the basis of an *as if*. Every age reinterprets the past in the light of its own experience and dominant preoccupations, which is why a definitive history

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will never be written. That is also why the debate over the nature of politics in general, and over the significance and true meaning of Machiavelli in particular, a debate to which Croce has made an interesting contribution, is destined to go on.

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The Road to Serfdom. By Friedrich A. Hayek. With Foreword by John Chamberlain. Chicago, University of Chicago Press, 1944.—xii, 250 pp. $2.75.

Professor Hayek's book, at present on the "best-seller" list in the United States, has initiated heated discussion in economic and political circles. As a matter of fact, it has become more popular here than in England where it was first published.

It has been acclaimed by laissez-faire economists, or, let us say, by those who are opposed to government interference in economic affairs; it has been attacked by planners, by New Dealers, and by all who feel that it is the obligation of the government to control the complicated modern economy.

On reading the comments and listening to the discussions on the book, one realizes that the meaning of this study is not fully understood. The author does not advocate what is generally meant by a laissez-faire economy. He is in favor of securing a minimum income for everyone, and he is definitely in favor of a comprehensive social security organization. He recognizes the necessity for combatting general fluctuations in the economy, as well as the recurrent waves of large-scale unemployment which accompany them. He states that the preservation of competition is not incompatible with an extensive system of social services which he favors: "There is no question that adequate security against severe privation, and the reduction of the avoidable causes of misdirected effort and consequent disappointment, will have to be the main goals of policy." He is also against monopoly and for real competition.

On the other hand, he is radically opposed to that kind of planning which means "a central direction of all economic activity according to a single plan, laying down how the resources of society should be consciously directed to serve particular ends in a definite way." If his definition of planning is considered carefully, it becomes obvious that his interpretation of the term reflects the meaning which is common on the Continent of Europe.

There the term "planning" or the so-called *l'economie dirigée* places stress on a centralized government control over the whole economic

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life. Such control is not limited to a few segments of the national economy, but, once established, spreads from one sector to another. Step by step it embraces foreign trade and foreign exchange, the determination of prices and wages, the capital market, and so on. In such a system of planning it is not important whether private ownership of industry and banks is maintained since all the essential rights of owners or managers are curtailed. Nazi Germany, for example, did not have a nationalized industry, but it established even before the war a centrally controlled and commandeered economy. This kind of planning Mr. Hayek considers a menace to democracy.

Even the wartime economic controls of the United States have not reached the degree of government interference in economic life which was common in many countries of central and eastern Europe in the thirties. The advocates of planning and control of economic life in this country think in terms of indirect controls, and they emphasize the fact that these controls do not replace private initiative but merely supplement it where this is justified. The difference between this view and that which Mr. Hayek advocates is after all one of degree rather than one of principle.

The author's arguments are based more on political than on economic grounds. He fears that we have progressively abandoned the freedom in economic affairs without which political and personal freedom have never existed in the past. There is a conflict between "planning" and democracy which is for him the conflict between collectivism and individual freedom. He does not believe that planning in terms of a central direction of all economic activity is inevitable; according to him it is the result of a deliberate action. It involves a choice among conflicting and competing goals. Thus if a democracy embarks on planning, it progressively relinquishes its powers. The more the State "plans the more difficult planning becomes for the individual". He is certainly right when he stresses the fact that this kind of general, over-all, direct planning leads to an increasing amount of discrimination. The "rule of law" is difficult to maintain under these conditions. Anyone who in the interwar period in Europe was connected with the administration of various government control or planning agencies—such as foreign trade or foreign exchange—will readily agree that it was nearly impossible to avoid the influence of pressure groups, political parties or other particular interests. Very often, therefore, decisions were made not on the economic merits of the case but because the outside influence was stronger than the convictions of the agencies concerned. In this way arbitrary decisions are made, however, not only in an authoritarian régime but even in a parliamentary democracy.

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There will always, of course, be a great number of people who, rightly or wrongly, feel that they are discriminated against.

This experience and the analysis of the basic elements of democracy lead the author to the conclusion that democracy is only possible within a competitive system. He feels that every effort should be directed toward making the competitive system workable.

It is to be desired that he had been more explicit in his proposals as to just how the planning for competition should be undertaken and how he would make our economy more flexible. It would have greatly strengthened his case if he would have presented more details of the controls which he considers compatible with democracy. The problem of imperfect competition is hardly touched upon.

The whole problem can be summed up by the one question of how far government control of economic life can go without endangering freedom and democracy. It is most unfortunate that, at present, there is such great confusion over the definition of basic terms. Even "democracy", for example, means something different in many parts of Europe from what it means here. There, security seems to overshadow all other values. It is understandable that for a while security should appear to be more important than democratic freedom. If the world succeeds in achieving a prolonged period of security, we may again expect that people will yearn for more freedom and democracy and that then the present process will be reversed.

Hayek is right in saying that our generation often suffers from economophobia and that we are less inclined to listen to economic considerations than our predecessors. Yet, the tendency is to demand miracles from our economy without a careful analysis of the possibility of attainment, the desirability of the goals, and the consideration of the accompanying costs entailed.

One of the greatest tasks today is to work out an economic system which would make the preservation of democracy in the accepted sense possible. There is danger that a centralized planning wrapped in terms of economic democracy and security may accept many features of a totalitarian economy.

Space does not permit a discussion of the other parts of the book, for instance, the chapter on Socialism and Nazism, in which some of the sweeping statements are debatable. This little book points out clearly the dangers to democracy which are inherent in an over-all centralized planning such as spread over Europe during the interwar period, and it stimulates discussion on this timely subject.

ANTONIN BASCH

COLUMBIA UNIVERSITY

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The Philosophy of American History. Vol. I: *The Historical Field Theory.* Vol. II: *Periods in American History.* By MORRIS ZUCKER. New York, The Arnold-Howard Publishing Co., 1945. —xxii, 694; xxxii, 1070 pp. $4.50 each, or $8.50 for both.

The most recent attempt at a science of history is represented by Dr. Morris Zucker's "Historical Field Theory", which is said by its author to be based upon the application of scientific principles to the analysis of history. These principles, as he states them at the end of the first of these two long volumes, are:

> (1) History is the record of events in society; (2) society is an aggregate of three component divisions—the state, the economy and the ideological superstructure; (3) the specific form of the social structure is determined by the nature of the social continuum established by the relations of these aggregates; (4) this continuum provides the matrix for the events which history records; (5) society is progressive to the extent that it permits fuller play for the difference of social potential in its creative elements during its virile state; (6) and finally that happenings of historical significance are derived from the operation of definite social laws which are causal in character.

Dr. Zucker believes that the presentation of his theory should cause history to "emerge from the status of an art to assume the rank of a science", a science which will enable us to plan adequately for the future "because we will understand the nature and the limitations of the social forces with which we operate". His publishers acclaim his book as "the most challenging work of our time", in which "the specific laws of historical motion, and the effective social forces of a period, are presented in definitive form." These enthusiasts go so far as to proclaim that "all previous treatments of History now become curiously outmoded", which is rather extreme language, even for a blurb.

The author passes severe strictures on the resort to analogy, both within the domain of history and between history and other branches of knowledge. "The frame of reference, lines of force in a gravitational field, the time-space continuum, all these", he says, "are noble conceptions in physics where they are endowed with precise meaning and have been subjected to experimental proof. Writers have attempted to smuggle these conceptions into history by the simple expedient of employing the same idiom. They sound the same, but have not the same meaning." *De te fabula narratur,* it would be easy to retort, for the Doctor's own ideas are shot through with analogies. The very name "Historical Field Theory" is intended to suggest an analogy between history and physics; it is, he tells us, "an adaptation to our

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purposes of the great physical theories of the electromagnetic field as developed by Einstein into the Relativity Theory". An analogy, not instantly obvious, is drawn between the constancy of human nature in history and the velocity of light in physics, both of which are said to play the rôle of "independent variables", though, incidentally, physicists do not commonly refer to the velocity of light as an "independent variable", but rather as an "invariant", under certain changes of circumstances. And analogy could hardly be carried to more fantastic lengths than in this assertion regarding the attraction exerted by "social forces" upon individuals in society: "That power varies inversely to their social remoteness, and is multiplied by the square of their involvement." Yet after all this—and more—the Doctor can take John Dewey to task for "floundering around with analogies between historical and physical theory."

He has read widely if not wisely both in historical literature and in the writings of scientists who have addressed themselves to the public, such as Eddington and Jeans, and of philosophers, sociologists, anthropologists, *et al.* He is a tireless writer; these two massive volumes must run close on three quarters of a million words. We would know, even if he had not told us, that his book is the result of prolonged effort. But the bent of his mind is definitely not scientific. He believes, for example, that it is possible to *prove* hypothetical propositions about the past. This belief explains such a nonsensical statement as that "we can assert with fullest confidence in our ability to prove the point conclusively, that had capitalism been in a healthy, progressive state, neither relativity nor quanta, nor indeterminacy would have succeeded in making any impression whatever upon the world outside of the ivory towers of a select few intellectuals."

More serious than the fact that too much bad grammar has by-passed the proofreader are foggy sentences indicative either of confusion of thought or of studied obscurity. Even Freud's disciples deserve better treatment than they receive in the observation that "the Freudian psychologist would have you consider every possible quirk of the Unconscious and its uncertain effect on the behavior of the individual multiplied by the number of his reactions to society and the logarithm of the relations of the world's population to each other."

The Doctor distinguishes between what he calls classical history and scientific history: "Where the one rationalizes about an event, the other searches for the laws which produced that event. . .without the establishment of scientifically valid laws of historical motion events will always be interpreted according to the bent or inclination of the individual, and. . .history will remain an art reflecting individual tem-

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perament until and unless the prime goal of every science is achieved." The circumstance that he has depended very largely upon the benighted tribe of "classical" historians for his historical knowledge should have aroused in his mind, one would think, the heart-searching question whether he had not absorbed a great deal of their individual interpretations, but it does not seem to have done so. Or can he suppose that he has imbibed from them only the pure milk of history?

In addition to his "general" theory, the Historical Field Theory, the Doctor (following Einstein's example?) offers us a "special" theory. This is the "Theory of the Continuing American Revolution", and to the elucidation of it he devotes the second and longer of his two volumes, *Periods in American History*, which is a history of the United States from its colonial beginnings to the present. The theory can best be summed up in his own words:

> The social forces unloosed by the American Revolution have not yet gathered their full strength. As to whether or not the basic problems of contemporary life can be met and solved by the unfolding of the democratic processes as envisaged by the Theory of the Continuing American Revolution depends wholly upon the will and intelligence of the people in the exercise of their undoubted powers. These powers are themselves extremely flexible, and so far have been extended in every crisis adequate to meet the requirements of the times. There exists no overpowering impediment to their future extension except the intelligence of the people themselves and their effective mobilization to translate their preponderant will into appropriate deeds.

"Classical" historians will agree that much more is to be said for the author's "special" than for his "general" theory. The reviewer is unable to speak for "scientific" historians.

It cannot be denied that the Doctor possesses the courage of his convictions. Believing that prediction is the acid test of science, he concludes his second volume with a chapter entitled "The Next Twenty Years in American History". The immediate prospects, as he delineates them, are anything but hopeful. The coming peace settlements will fail. The sovereignty of the great Powers will not be curbed. No treaty will bind its signatories if its observance is contrary to their interests. The nations will remain armed to the limit of their resources. Imperialist exploitation of colonial dependencies will increase. New pacts and alliances will arise. The entire house of cards will crumble. "Anti-Soviet bias. . .is bound to increase as the contrast between the thriving Socialist economy of Russia and the decadent capitalist economy of the other Great Powers becomes more striking." But eventually, somehow and sometime (after a third World War, presumably), it's going to come out all right—for the United States.

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We shall evolve into a genuine industrial democracy, as the Theory of the Continuing American Revolution requires.

> We shall transform these United States into a paradise on earth. We shall replenish the depleted soil, dam up our wild-flowing streams, reforest the denuded hills and fill the countryside with comfortable homes abounding with the material things for a rational life and the opportunity to enjoy them. We shall linger once more in the long neglected realms of the spirit. . . . The laughter of little children will once again resound with the plenitude of a young land upon which so strangely has descended the ancient, awesome curse of sterility. . . . America will bloom like a garden again in a world saddened by want, by unnecessary strife, by individualistic ambition which feeds upon the deprivation of his fellow men.

Nearly fourscore and ten years ago Henry Thomas Buckle voiced his hope of being able to accomplish for history something analogous to what had been effected for the various branches of natural science. His *History of Civilization in England*, though only an introductory fragment, was a work of great erudition, it created a literary sensation in its day, and it is still worth reading; but judged with reference to its author's grand objective it was a failure, though a magnificent one. And where Buckle failed, no one else has succeeded.

Robert Livingston Schuyler

Big Democracy. By Paul H. Appleby. New York, Alfred A. Knopf, 1945.—viii, 197 pp. $2.75.

Of this book one can quite simply say: it warrants the thoughtful attention of all students of administration. It has much of interest also for the general reader.

In the current polemic writing on bureaucracy, Appleby's book deserves a wide audience. His tone is temperate but firm; his position is well reasoned. His viewpont is sophisticated yet sanguine. The book is premised on the necessity of "big government" in an industrial civilization. It treats our government affirmatively as "the greatest simple resource of the American people." One underlying theme is reflected in this sentence: "If only the people outside of government respected the people in government and assumed that they would do their jobs with reasonable fairness and intelligence, an enormous saving in energy would result" (p. 37).

There is a freshness in Appleby's approach to administration that is welcome. A few examples best indicate his robust attitude. He states: "If the ablest administrative management specialists in the country should be substituted for the President and his Cabinet, pop-

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ular satisfaction with the government would diminish greatly. The reason is simple: over-all, true efficiency would decline" (p. vii). And looking back over his eleven years with the Department of Agriculture he concludes: "we operated too far away from the party; we resisted it too much; we accepted too little responsibility for devising satisfactory ways of recognizing it and cooperating with it" (p. 149). Much of the author's philosophy is summed up thus: "Free competition between political groups furnishes the most important kind of dynamism for both government and administration" (p. 117).

Appleby is not recounting what he did in public life nor reliving his contacts with public figures. He is rather presenting his analysis of the governmental scene based on his twelve years as an official in Washington. We need more of such thinking. The author shows how an official can freely set forth his opinions without gossip, rancor or breach of confidence. Much about government can best be told by men who have served in positions of public responsibility. Memoirs tend to be highly personal or merely anecdotal. Such writers tell of their many triumphs and sometimes a little of their disappointments. These literary efforts often partake of Wordsworth's definition of poetry—"emotion recollected in tranquility". Appleby has pondered his experiences and thoughtfully set forth his reactions in analytic and philosophic fashion. His volume seems likely to survive the present futile debate over government versus freedom.

The book is full of sentences and paragraphs that with extraordinary clarity and eloquence present insights, reflections and speculations covering a wide range of vital administrative issues. The volume is a tonic, not a treatise. In these terms it provides that stimulus to the reader's thought that can be produced only through keen thinking by the author.

HARVARD UNIVERSITY PENDLETON HERRING

Democracy in America. By ALEXIS DE TOCQUEVILLE. The Henry Reeve text as revised by Francis Bowen, now further corrected and edited with introduction, editorial notes, and bibliographies by Phillips Bradley. Foreword by Harold J. Laski. New York, Alfred A. Knopf, 1945.—2 Vols. cxii, 434, xii; xiii, 401, x pp. $6.00.

It was a poor month during the 1830's and 1840's that did not witness the publication of a new work on America by a British or European traveler. Some wrote articles, more wrote books, and a few of the travelers managed to spin out what they had seen or done on a

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single visit into half a dozen or more thick volumes. Evidently, the Old World was still interested in the New, but with a transfer of emphasis. Instead of the former zest for information about the location, the geography and the physical resources of America, Europeans were now seeking knowledge about the nature of the civilization that had developed across the Atlantic. Among the topics that aroused chief interest were American manners and customs, slavery, education, religion, and government. It is obvious, therefore, that the distinction of Tocqueville's *Democracy in America* does not consist in its being the commentary of a foreign traveler upon America; for there were many other works of this character. Nor does it consist in his choice of a subject; for many of the travelers devoted some space to their impressions of the American experiment in democratic government. Its distinction consists, rather, in its excellence; and it may be profitable to explore the reasons why Tocqueville produced a work that is remembered and highly valued when the hundreds of works of most of his contemporary commentators on America are forgotten.

The abiding value of Tocqueville's work is partly due to the fact that, whereas most of those who described American democracy were content to visit Washington, observe Congress at work, look at the political leaders, and, if possible, talk to Clay, Webster and Calhoun, Tocqueville invested much energy and thought in gathering information. His text and his footnotes indicate something of the extent of his research; George W. Pierson's *Tocqueville and Beaumont in America* throws much light upon his working habits; and the Introduction to this new edition gives further information about the ways in which he gathered his material.

Another explanation is to be found in the difference between his and their reasons for investigating democracy. Most of the foreigners who wrote about democracy either detested it or had great faith in it. Tocqueville, in contrast, was chiefly impressed by its reality, its tremendous force, and its inexorable onward march. It may well be doubted whether he ought to be regarded as either a liberal or a conservative. He was, rather, a dispassionate scholar who produced a work of great service to those who feel and fight for liberalism. Nevertheless, for all of its aloof, philosophical tone, the *Democracy*, particularly the author's Preface to it, is charged with a fervent, intense quality that sprang, not from a crusading spirit, but from a consciousness of the vast power and significance of the force he was investigating and of man's essential need to understand the workings of this force. As he expressed it, " the whole book . . . has been written under the influence of a kind of religious awe produced in the author's mind

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by the view of that irresistible revolution which has advanced for centuries in spite of every obstacle and which is still advancing in the midst of the ruins it has caused."

One competent for the undertaking might, of course, proceed to discuss the mental qualities of Tocqueville which enabled him at about the age of a graduate student to produce so superior a work; and likewise one might undertake a reappraisal of the *Democracy* itself. Fortunately, the work of Professor Bradley in this new edition affords an excuse for escaping these tasks. His Introduction of more than ninety pages quotes or summarizes the appraisals of John Stuart Mill, Lord Bryce, Woodrow Wilson, and a number of other competent scholars; and to this body of expert opinion Professor Bradley adds his own thoughtful and extended remarks upon the relevancy of Tocqueville's views to the present state of democracy in America. The Appendices include a bibliography of items relating to Tocqueville, a list of editions of the *Democracy*, and "A Note on This Edition". Both the editor and the publisher seem to have been moved by something of Tocqueville's sense of obligation and lofty purpose in making available this distinguished edition.

CHARLES S. SYDNOR

DUKE UNIVERSITY

Can Representative Government Do the Job? By THOMAS K. FINLETTER. With a Foreword by Robert F. Wagner. New York, Reynal & Hitchcock, 1945.—vii, 184 pp. $2.00.

Mr. Finletter has written an interesting book on an important subject. Some strictures ought, however, to be made on his method. It is the purpose of his book to show that the relationships between the legislative and executive departments of the federal government are such that the objectives which the American people have set themselves cannot be attained. His object is a proper one and his proofs are not far from conclusive. But he has thought fit to give the argument an historical twist. During the nineteenth century, he avers, the ends and means of government were in balance. New objectives—"a foriegn policy which will underwrite a genuine peace and a domestic policy which will insure employment and security for our people" (the quotation is from Senator Wagner's Foreword)—have thrown them out of balance. Unless something is done to restore the equilibrium—in other words, unless the means are made to measure up to the ends, for the American people will never consent to scale down the ends to the means—disaster will overtake us. Little by little or all at once,

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representative government will be discarded; and when representative government goes our liberties will go too.

The analysis is plausible but historians and prophets may doubt its correctness. If the machinery of government worked so satisfactorily in the nineteenth century, why was it necessary to wage the most terrible of all wars in order to preserve the Union, an objective of even higher importance than those which Mr. Finletter makes the almost exclusive property of the twentieth century? And what are we to make of the quarrel between Congress and the executive which followed that war—a quarrel which set back for many years the prime objective of the reconstruction period—the pacification of the South? If Mr. Finletter is right in his interpretation of the nineteenth century, then Bagehot and Wilson were wrong, and the objections which they raised against the contemporary procedures of the American government are, by a curious heterochrony, to be read as applying not to their own times but to the present. As for the suggestion that one more war or one more depression will lead the American people to substitute authoritarianism for representative government, we need only remark that England, with an urgency as yet unknown in this country, pursued positive policies in respect of peace and control of the economic cycle for twenty years without attaining either, and yet no one seriously suggests that Englishmen are about to throw away their freedom. Mr. Finletter would have been well advised to keep his book descriptive and normative, for doubtful history and gloomy forecast, though irrelevant to the right or wrong of his argument, serve to weaken it.

However this may be, Mr. Finletter, when he sticks to the present, speaks with more authority. The difficulty, he says, is that the machinery of government does not allow of a regular flow of power. It operates upon what he calls the "alternating system". At the beginning of the administration of a new president, while the patronage is being dispensed, there is a honeymoon period during which the president may, if he will, overwhelm Congress with a great rush of executive power; but soon the novelty wears off. Congress reasserts itself and strikes back to prove its place in the American system. "The barometer of presidential power drops to a low level and stays there until a new popular leader comes to office to use a new honeymoon period for the hasty making of great policies." It is an old story, but one that will bear repeating. Mr. Finletter has repeated it in forceful terms and with new and modern illustrations.

The book contains a solution as well as a problem. The author puts forward three principal proposals: more information to Congress; an

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executive-legislative cabinet; and new elections when deadlocks occur. In advocating the passage of the Kefauver resolution he makes some very illuminating comments on the advantages of admitting the heads of departments to the floor of Congress to defend and explain their plans and actions. In recommending the creation of a joint executive-legislative cabinet, Mr. Finletter advances an idea very specious in appearance but perhaps unsound. Would the two sides of the cabinet really coalesce? Or, if coalescence came, would it be particularist rather than general? And how would a president deal with a cabinet one half of which he could not remove, except doubtfully by a dissolution of the whole government, himself included? These are a few of the questions which ought to be answered before a committee of the legislature is asked to associate itself in the business of the executive. In plumping for the power of dissolution, Mr. Finletter seems not fully to have taken into consideration the difficulties which might arise by reason of the fact that the Senate and House are separate bodies, selected on different principles but with almost identical powers. Could the Senate force a dissolution on, say, a money bill, when the House and the president were in agreement? The problem is much more complicated than in England, where dissolution and dismissal are opposite sides of the same medal and where the interested parties are only two: the lower House and a committee of its own members.

Mr. Finletter's book is worth reading, but it should be read with caution.

Lucius Wilmerding, Jr.

Institute for Advanced Study

Fighting Liberal: The Autobiography of George W. Norris. New York, The Macmillan Company, 1945.—xvii, 419 pp. $3.50.

George Norris served forty years in the United States Congress: ten in the House of Representatives and thirty in the Senate. His autobiography does much to confirm the feeling that this period of public service was exactly six years too long. In 1936 Norris was reluctant to make the race for a fifth term in the Senate. In 1942 he was rejected. The last six years of his life were needed for something worth far more than he could accomplish in a government that was speedily receding from the reform experiments of the New Deal era. He needed those remaining years, free of the disappointment at rejection by his state, to prepare a careful and complete record of his decades of public service. The year and a half of life remaining to Norris after his retirement in 1943 was not long enough a time for

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a really thorough job of writing. In fact he was 83 years old, in the last year of his life, and already greatly weakened before he started the task. Then he dictated the story to James E. Lawrence, a newspaperman of Lincoln, Nebraska. To Lawrence was also left the work of reorganization, rewriting, supplementing, and getting the book through the press. The consequence is that it is not always easy to tell how much of the account actually came from Norris. Yet it must be said for Mr. Lawrence that he has preserved much of the ornate oratorical style that Norris learned in his debating society at Valparaiso University in the early 1880's and which he carried with him throughout his life.

Norris is best remembered for his work in helping to unhorse Speaker Joe Cannon; for his opposition to war in 1917 and to a peace treaty of doubtful justice in 1919; for his fight against Newberry; for his years of struggle for the conservation of natural resources, culminating in the Tennessee Valley Authority; for the outlawing of the labor injunction; for the Lame Duck Amendment to the Constitution; and for the adoption of a unicameral legislature in Nebraska. Not all of his efforts succeeded. Some other reforms might have been put through without his support. Norris himself doubted whether the shearing of Cannon's power was much of an achievement. The Lame Duck Amendment fell short of abolishing the electoral college. Norris or no Norris, the labor injunction could not long have survived. But the Tennessee Valley Authority is monument enough to any one man, and this was preëminently the work of Norris. For years he fought, almost alone, to prevent the private utilization of the waters of the Tennessee River in such a way as to jeopardize the natural resources of the whole valley, and he finally succeeded in his entire plan. Before his death the movement for a Missouri Valley Authority was making rapid headway, and projects were under debate for similar plans for all the great river valleys of America.

In telling the story of these achievements, Norris is always modest and is tolerant of his bitterest opponents. He gives a convincing story of how his experiences in public life changed him from a standpat conservative Republican, who as a boy could listen with approval when Elder Long "did not believe a Democrat could go to heaven", into an independent who would defy all the Moguls and machinery of his party when a matter of conscience was at stake.

It is only to be expected that a man in his eighties, looking back over his youth of comparative poverty and his struggles to eminent success, should occasionally become garrulous. Once or twice the rewriter might well have abbreviated an anecdote. The one regarding a

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practical joke with a clock (pp. 30-31) makes the author's mother and stepfather appear positively stupid, which naturally was not the intention. On the other hand, there are places where more garrulity would be appreciated. Appraisals of their contemporaries are always valuable in autobiographies, even when the estimates are faulty. Too often, in the present book, the reader's expectations of revelations are built up, only to fall flat as the subject is dropped. It must have been difficult to tell the story of the TVA without once mentioning the name of Wendell L. Willkie.

It is futile, in considering a work such as this, to dwell on trivialities. Yet, one wonders what the "twang of the frontier" sounded like (p. 1); how a boy of three and a half years could even be expected to have any pronounced feelings over his father's averseness to visiting (p. 4); how a house could be built so that "My quarters were over the lean-to" (p. 46); and why sine die should be translated as "without delay" (p. 175). One can only wonder at the offerings in American government at "Valpo", and admire the frankness of the author, when he confesses that he was astonished, after entering Congress, to learn that not all speeches printed in the *Congressional Record* were actually delivered.

Though this book was started too late and written too hastily to become as thorough as the reader would like, yet he will be glad that it was done at all, and he will be grateful to Mr. Lawrence for prodding the aged statesman to the task.

FRED A. SHANNON

UNIVERSITY OF ILLINOIS

A Dynamic World Order. By RT. REV. MSGR. DONALD A. MACLEAN. Milwaukee, The Bruce Publishing Company, 1945.—xii, 235 pp. $2.50.

Monsignor MacLean, a Canadian Scot with a racial penchant for philosophical thinking and straightforward speaking, is a recognized Catholic authority on international problems for the study of which he has been elaborately trained. He is widely traveled and broadly read. In his blueprint for a new world order, he follows the guiding spirit of Pius XII—who has urged "For the efficacious healing of the ills which afflict mankind there is a need to found a new world order of justice and peace with the collaboration of all decent men of all countries" —and President Roosevelt's pious letter, reminiscent of the idealism of the Atlantic Charter, to the Catholic hierarchy, that "in victory we shall seek not vengeance but the establishment of an international

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order in which the spirit of Christ shall rule the hearts of men and nations." In accord with Dr. MacLean's views, Rodrigue Cardinal Villeneuve of Quebec contributes a preface in which he predicts a barren victory, even one involving unconditional surrender, unless the drive of collective selfishness is "curbed and supplanted by the principles of social justice, social charity, and the common good."

To Dr. MacLean, as he interprets papal and episcopal pronouncements and considers the current condition of men and nations as measured by the Catholic Church's ethical teachings, the promised world order of security and peace must be based upon the natural rights of man, the recognition of the Christian family, acceptance of the global solidarity of mankind under God's Fatherhood, the nobility of man, good neighborliness in action, Christian social principles of justice, charity and the common good, a proper correlation of national and international relations through a proper international league and court, a recognition of world economic interdependence, freer movement of goods, generous access for all peoples to God-given natural resources, private ownership but not in the absolute for man or state, reciprocal trade treaties on a broader basis, freedom of airways as well as of sea lanes, control of air bases and fighting planes by an international policing authority, and the movement of men from crowded European and Asiatic lands to less crowded areas of the world in recognition of land in trust for the human race and the right to live as the heritage of mankind. With natural optimism, Dr. MacLean has some hope of a better world in conformity with a Christian Democracy: the return of unity of the human family, revolutionary forces purged of false and destructive errors and harnessed to constructive purposes, a neutralizing or a blackout of erroneous social philosophies, a destruction of racialism and false nationalism which persecute minorities at home and abroad, and a United States using its resources to do good the world over in spite of imperialism. To the author, "Only in a world society in which Christian principles are fully accepted can national and racial as well as religious minorities be truly safeguarded." Or again he sees that "A rich harvest of world chaos will inevitably be garnered anew should haughty, self-centered, egotistical world statesmen endeavor to reconstruct their national, racial and political structures on foundations divorced from Christian principles."

Since the author wrote these pages, Roosevelt has died, the administration has gone Democratic, San Francisco affected Nob Hill, and Mr. Stalin is proving himself the geographer of eastern Europe and a negative force in the Pacific. Over are the eras when world peace was

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kept by the Roman Empire, the Mediaeval Church, and England's golden sovereign. And one wonders if world order can be maintained by an Anglo-American ascendancy for minorities within the English-speaking democracies, for majorities of Latin, Slavic and Teutonic cultures in western civilization, and for the world's population in color other than white and in religion other than Christian. However, *A Dynamic World Order* deserves thoughtful consideration by student and statesman who would vision and create the sort of a world for which America is fighting. Scholars will find a valuable bibliography of Catholic items from St. Thomas Aquinas to Pius XII which are too frequently overlooked in the intolerance of tolerant men.

RICHARD J. PURCELL

WASHINGTON, D. C.

Woodrow Wilson and the Great Betrayal. By THOMAS A. BAILEY. New York, The Macmillan Co., 1945.—xiii, 429 pp. $3.50.

The deserved approbation with which Professor Bailey's previous volume on *Woodrow Wilson and the Lost Peace* was received is due also to this sequel. The author tells us that he planned originally to include Wilson's contest in Paris with Clemenceau, Lloyd George and Orlando for a treaty embodying his idealistic aims, and his fight at home with Lodge and the "irreconcilables" for the ratification of the treaty without amendments or reservations, in a single volume; but that the abundance of material made it advisable to divide the story into two parts. The present volume, therefore, begins with Wilson's return from Paris in the midsummer of 1919, and might have ended appropriately with the final rejection of the Treaty by the Senate on March 19, 1920; for the concluding chapters of the book on the presidential campaign of 1920 and the embarrassing situations arising out of the physical collapse of the chief executive seem rather like an appendix than a contribution to the main story.

Although Professor Bailey exhibits in both volumes the same sterling qualities of exhaustive research, unbiased interpretation, undogmatic judgment and masterly style of presentation, one cannot but notice a rather striking contrast between his estimate of Wilson's rôles at Paris and at Washington. In dealing with his colleagues and advisers in the construction of the treaty the President, on the whole, showed a commendable spirit of patience, sanity and reasonable compromise. The result was that, in the opinion of Professor Bailey (as well as that of perhaps a majority of the historians of the Confer-

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ence), his mission was a success in that he got a better treaty than would have been framed by the vengeful victors, had he not gone to Paris. Of course, his immense prestige as the head of a nation of whose support the Allies were in sore need was an important, perhaps the most important, factor in his success. Back in Washington, however, he found an entirely different situation to cope with; and in the determination to enforce upon the Senate the treaty in the form which he fervently believed was the only form that redeemed his pledges to the Allies and our own obligations to our fallen soldiers, he became increasingly inflexible, dictatorial and irritable. His prodigious labor at Paris had sapped his none too vigorous physical strength, and, while he maintained his mental acumen and his moral fervor unimpaired, he lacked the sustaining poise and patience which the *corpus sanum* gives to the *mens sana.*

Professor Bailey, true to his canon of impartial judgment, does not shrink from attributing to Wilson his full share in the defeat of the treaty. He declares himself to be an admirer of the President. He lauds his noble idealism and his readiness to sacrifice life itself for his principles. But he points out with almost brutal frankness the grave blunders into which Wilson's refusal to compromise led him, when a reasonable compromise was not only possible but indispensable if the treaty were to be ratified. There is an imposing list of these blunders in Professor Bailey's volume. They began even before Wilson went to Paris—in his appeal to the country to choose only Democrats in the congressional election of 1918, in his failure to include a single senator or an influential Republican in the peace commission —and after Wilson's return one unfortunate ill-timed act after another lessened his chances of getting the treaty ratified. It was disingenuous in the upright Wilson, for example, to insist in his conference with the Foreign Relations Committee on August 19, 1919, that he knew nothing of the secret treaties between the Allies until he reached Paris. Neither Professor Bailey nor any other admirer of Wilson has given or can give a satisfactory explanation of this extraordinary assertion, which offers the disagreeable dilemma of accusing the President of political prevarication or plain mendacity. Undoubtedly there was prevarication on the part of Senator Lodge, to follow whose trail in senatorial intrigues would, as a Texan expressed it, "break the back of the most supple rattlesnake." But, as Professor Bailey reminds us, Wilson's responsibility to America and the world for getting the treaty ratified was far greater than the responsibility of Lodge to his party for keeping the treaty from being ratified in the form which Wilson demanded.

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Moreover, Senator Lodge, contrary to widespread opinion, was not opposed to the ratification of the Treaty of Versailles. Professor Bailey has no brief for Henry Cabot Lodge, whom he considers a supercilious, devious, vindictive party politician. But a sense of fairness compels him to give the devil his due. Lodge was at all times ready (as were all but a dozen or so of irreconcilables) to vote for a treaty including the League; and for a treaty which, in the eyes of at least half of the Democratic senators (as shown by the final vote) would neither "nullify" the document nor make it impossible for the Allies to accept. Wilson's insistent contention that our refusal to ratify the treaty without amendments or reservations would "break the heart of the world" was (like his claim of a "mandate" from the American people) a product of his own wishful thinking which was not supported by the facts in the case. Friends of the League in both parties attempted to move him from his own "irreconcilable" position. His spokesman in the Senate, Gilbert Hitchcock, pleaded with him to modify his demands. Even Lodge sought in vain to approach him through Stephen Bonsal to arrive at a working compromise. But he was adamant. The "command" went out from the White House to the Democratic senators to vote against the treaty with reservations, and enough of them (23) obeyed him, joining with the little group of "irreconcilables" to prevent the two-thirds majority by a margin of seven votes. Instead of supporting the "mild reservationists" in the efforts to tone down the Lodge reservations, the President threw them into the arms of Borah-Brandagee-Johnson-Moses isolationists. "We can always depend on Mr. Wilson", remarked the cynical Brandagee to the cynical Lodge, when the final vote was taken; "he has never failed us." Even the genial Mr. Taft, who was Wilson's heartiest Republican supporter, was so disgusted with the President's obduracy as to call him a "mulish enigma" and "the greatest obstructionist in Washington, who desired to destroy all if he could not get all."

Though this policy of all or nothing was the main failing of Wilson, Professor Bailey reluctantly cites a number of other unfortunate acts of the President which contributed to his defeat. Instead of undertaking his fatal tour of the West in the autumn of 1919 in an appeal to the public (who had no voice in the ratification of the treaty) against the Senate (in whose hands the decision lay), he should have stayed in Washington and attempted, as House and other of his advisers urged, to iron out the differences between the mild and the strong reservationists. His harebrained scheme to invite the recalcitrant senators to resign under the pressure of public opinion (as

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if any member of the United States Senate would ever resign!) he was mercifully prevented from proposing. His Jackson Day letter of January 1920, recommending that the issue of the treaty and the League be submitted to the people in the coming election as a great and solemn referendum, not only was a futile suggestion, since there was no possibility of so changing the composition of the Senate as to get a two-thirds majority for the unamended treaty, but it was throwing the fate of the treaty into the maelstrom of politics where it would have to contend with a multitude of issues entirely unrelated to ratification.

The conclusion which one must draw from the scrupulously documented volume of Professor Bailey is that Woodrow Wilson must bear the chief blame for the failure of the United States to ratify the treaty and join the League of Nations. He deplores, to be sure, the partisan malignity and personal hostility shown by his opponents in the Senate; but the President could have defeated them (as they themselves confessed) if he had used his immense power to close the gap between the mild and the strong reservationists. Instead, he exacerbated the friction between them by himself insisting on a program which neither faction would accept. He may have discharged his duty to his conscience; but it is hard to believe that God would have been offended if Wilson had not invoked the Presbyterian doctrine of predestination for the Treaty of Versailles.

DAVID S. MUZZEY

Edward Bellamy. By ARTHUR E. MORGAN. New York, Columbia University Press, 1944.—xvii, 468 pp. $5.00.

The Philosophy of Edward Bellamy. By ARTHUR E. MORGAN. New York, King's Crown Press, 1945.—ix, 96 pp. $1.60.

It is somewhat surprising to find the author of *Looking Backward* treated, in the first full-length biography, in the tone of discovery and defended against disparagement. There may be differences regarding Edward Bellamy's stature, but surely few informed readers would deny that he had significance. The half-million copies sold of his fantasy of Twenty-first Century America, the extraordinary predictions of state socialism and modern inventions which it embodied, and the "Nationalist" movement which it called forth briefly would justify study of a lesser man. Indeed, it is no slight tribute to Bellamy and his work that they should have inspired the literary labors of so distinguished a conservationist and educator as Dr. Morgan.

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This biography appears to assume that more thorough and more numerous investigations of reform in the latter part of the nineteenth century will considerably increase Bellamy's fame and reëstablish his influence. One can agree that further studies in the period may revise some previous judgments. It is nonetheless disconcerting to be told, for example, that " [when] we compare degrees of originality in creation and synthesis, we shall find Bellamy to stand high, probably superior to Karl Marx " (p. 243). The comparison seems less than apt for many reasons. Dr. Morgan is more satisfying when he sets Bellamy against the profound currents of change and unrest in the America of the period after the Civil War which Bellamy himself recognized were responsible for the inordinate success of his story. It was not, however, because of its profundity that *Looking Backward,* as published in 1888, became the literary phenomenon of its time. On the contrary, it was because Bellamy's picture of a future America was oversimplified, painlessly presented, above all placed in the future, that it attracted readers from all classes of society. This is demonstrated by the relative failure of Bellamy's *Equality* (1897). In this notable sequel to *Looking Backward,* the writer etched deeply the lines of his social criticism and plans for the future. But the Populists (what was left of them), the Theosophists, the Christian Socialists, and the many other groups and sects which had found *Looking Backward* so satisfying were not to be drawn by concrete discussions of American civilization and its problems.

Dr. Morgan's outstanding discovery, in this reviewer's opinion, is not of Bellamy's ideas — which were essentially literary — but of Bellamy himself. Here was no casual romancer, but (as his notebooks particularly show) a thoughtful if modest student of American life, an independent and competent writer, a not unworthy successor to the Concord idealists. Bellamy's " religion of solidarity ", his belief in the oneness of mankind, may not be overly original, but there can be no doubting him when he affirms " the earnestness with which I mean them and the reality for which they stand to my mind " (p. 138). Bellamy came to his social understanding by the hard road; so thoroughly was he rooted in native experience as even to give his Utopia an American flavor. Among the qualities which will sustain Bellamy's work, his unmistakable Americanism will not be found the least.

His intellectual strength is demonstrated in Dr. Morgan's supplementary study of *The Philosophy of Edward Bellamy.* This work is especially welcome because it makes available numerous passages from

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Bellamy's lesser-known writings, as well as from his manuscripts. It also makes plain that he was in no sense the conventional religionist of whom American Marxists conceived; and it is only justice to observe that it was rather they who in the end followed familiar paths with docility. Bellamy, on the other hand, did not hesitate to pursue his thoughts wherever they led him, with results which were always worth while and often novel. In his scheme of things, as Dr. Morgan observes, "philosophy, religion, ethics and economics were all interdependent—all essential elements of a single unified pattern of living and thinking" (p. 78).

Dr. Morgan is a critic as well as an admirer of Bellamy's social and political views, and his analytical chapters contain much wisdom and practical knowledge. He has served Bellamy well, even to the extent of helping to preserve his manuscripts. The major study reviewed above contains a valuable bibliography.

LOUIS FILLER

WASHINGTON, D. C.

Methodology of the Social Sciences. By FELIX KAUFMANN. London, New York, Toronto, Oxford University Press, 1944.—ix, 272 pp. $3.50.

Books dealing with method may be read as methodology or as leads to the design of studies. As methodology they fall into a set of venerable controversies which range well into the field of epistemology, and, unfortunately, as far as most working social scientists are concerned, they might just as well remain there. As part of the literature of research craftsmanship, books on method sensitize the active research man to new and more vigorous models of reflection. These two spheres of "method" are quite fruitfully related, but not many books are at once good "methodology" and helpful to research craftsmanship. The secret of Felix Kaufmann's success as a methodologist is the live connection he tries to maintain with research procedure.

On the one hand, he translates logical and epistemological issues into questions about the rules of scientific procedure and tries to solve them in those terms. On the other hand, he explicates the meaning of procedural difficulties by restating them in terms of larger philosophical traditions. His book is thus a two-way shuttle, and in both directions it is immensely clarifying. Dr. Kaufmann's handling of the laws of contradition and of the excluded middle in terms of postulation theory, as well as his discussion of types of explanation, are

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first-rate jobs. His avoidance of issues which have no procedural significance is amply justified. His methodological statement of the meanings of "law", involving a logically sound formulation of necessary and sufficient causes, and his interpretation of probability, which takes due regard for the difference between synthetic and analytic propositions and for the criteria of verification, are, in their way, models of logical analysis. And he is quite ingenious in spelling out the implications of one simple distinction or principle for an entire series of problems with which they were not previously connected.

The book as a whole is one of the best statements I have seen of the "relations" between physical science and social science and of just what a social research man can expect to learn from the older disciplines.

In general, most of the methodological problems which have so agitated the social sciences in America over the past two decades are here stated in a clean philosophical form, and, what is perhaps more important, the statement permits a fruitful argument from all sides. A grasp of this book enables the research man to read more clearly between the lines of his own work, and thus to increase his awareness of what he is doing; it encourages him to reason why he ought or ought not to do his work in ways which so quickly become habitual. This, it seems to me, is what "philosophy" at its best can mean to a working social scientist.

Since Dr. Kaufmann's chief technique of analysis involves the translation of general problems into questions concerning rules of scientific procedure, the logical status of these rules is of central importance. His position on this point is quite similar to that of Dewey's, and, although specialists in philosophy would argue over it, I believe that on several points Dr. Kaufmann's closeness to social science enables him to clarify and make more explicit what is involved. It is clear that he has been influenced by logical positivism, but he has by no means accepted the more radical statement of this position. In trying to make a unity of certain German and American traditions, Dr. Kaufmann's work represents, at several points, an advance over both of them.

I should prefer to speak of "open spots" in his argument rather than of "criticisms", for the inadequacies of his work are of such a kind as to encourage and enable others to analyze further and more fruitfully.

(1) He argues that value judgments are analytic, not synthetic, propositions; or, in the terms of C. W. Morris, that their "meaning"

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is syntactic and not semantic. I should agree that value judgments may have no semantic content, but I would argue that their "meaning" is primarily in the pragmatic areas of the language process, that they are judgments of persuasion, and that a two-valued classification of propositions (analytic or synthetic) is not adequate for handling them.

(2) He argues against value-polytheism that Weber's statement of it is elliptical, and that we can "solve" the issue of conflicting axiological rules by referring to "axiological rules of a higher order". But this merely pushes the problem back another step in the order of abstraction, and does not seem to get us anywhere.

(3) His statement of the nature and logic of "protocol sentences" in social science is fragmentary and unsatisfactory. It is, of course, his privilege to avoid this area, but to do so is especially unfortunate in view of the fact that most of the genuine, as well as many of the spurious, problems of social method revolve precisely around this sort of proposition. We need the help of a logician here, and I would very much like to see what Dr. Kaufmann would do with it.

(4) Although he does present as adequate a statement of Mannheim's view of the epistemological relevance of the sociology of knowledge as exists in English, his resolution of these issues does not seem to me definitive. The difficulty at this point, as well as at others mentioned, may well reside in the levels of generality on which his analyses proceed. More specifically he does not adequately connect his analysis of "objectivity" with his relative concept of the "rules of procedure".

A detailed analysis of the logic of an actual piece of social research which would display his major points in action would be very welcome; for, despite the fact that he is closer to actual problems of social science than most logicians, including many pragmatists, his work would benefit were it even more closely meshed with social science as a going concern.

(5) One would also like to know how Dr. Kaufmann would handle an argument over which of two "rules of higher order" is to be brought into operation. From a more strictly philosophical viewpoint, these "rules of higher order" are stopgaps rather than solutions. They are the weak spots in this book. One encounters them at key points, in the epistemological as well as in the value discussions. It is to be hoped that Dr. Kaufmann will bring them into closer contact with the areas of research policy in the social sciences.

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BOOK NOTES

Democracy Under Pressure: Special Interests vs. the Public Welfare (New York, 1945; xi, 142 pp. $1.00) is the fourth of a series of six small volumes by Stuart Chase and published or about to be published by the Twentieth Century Fund under the common title "When the War Ends". Viewing post-war public policy primarily as an economist, Mr. Chase believes that the supreme test of national unity in the United States will come after the war is over and feels that there is reason to view American prospects with alarm. He is convinced that we shall not be able to operate a high-energy economy without developing a stronger sense of the whole community than has existed hitherto in time of peace. Aside from and in addition to his worries about the expected relaxation of public authority at a time when the government ought to take a strong line, Mr. Chase is troubled because public policies designed to protect the common interest in the reconversion and post-war era are being systematically sabotaged by organized special interests and minorities acting on assumptions which deny the need for unified action for the welfare of the community. He argues persuasively that a dictatorship may become necessary if the pressure groups cannot be managed by democratic means. It is to be regretted that Mr. Chase, having stated the problem of the organized special interests with great clarity, seems to be unable to carry his analysis forward to a satisfactory conclusion. To say that we need a more effective sense of national unity and public interest capable of supporting a managed economy is to contribute very little indeed to the solution of the problem. What is required is a political analysis of the situation in which we find ourselves. The explanation of the effectiveness of the pressure groups has very largely eluded Mr. Chase who seems to assume that organized minorities get what they want merely because they want it. In the opinion of the reviewer, the astonishing success of the special interests can be understood only in terms of the failure of political leaders to bring about a working political mobilization of the majority by an adequate exploitation of the political means at hand. A mere vague and pious appeal for national unity in view of the breakdown of the large-scale political organization of the public

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in defense of the public interest furnishes an insufficient base for the ambitious policies advocated by Mr. Chase. Characteristically Mr. Chase makes no reference to the major political parties as a means for the creation of a substantial political foundation for public policy, in spite of the fact that it seems likely that the parties ought to be and doubtless can be incomparably more powerful than any pressure groups ever organized.—E. E. SCHATTSCHNEIDER, Wesleyan University.

From Democracy to Nazism: A Regional Case Study on Political Parties in Germany, by Rudolf Heberle (Baton Rouge, Louisiana State University Press, 1945; ix, 130 pp. $2.50), consists of a collection of several essays. The first of these is a sound analysis of the rise of National Socialism in which the author covers familiar ground. The real contribution of the book lies in the two essays incorporated in chapters 3 and 4, which trace in considerable detail the political movements and the evolution of political parties in Schleswig-Holstein from 1918-1933. Heberle shows that the groups in this area most susceptible to Nazism were neither the rural proletariat nor the rural nobility and big farmers, but rather the small farm proprietors, who were the "rural equivalent of the lower middle class" (p. 112). Though his conclusions do not differ materially from those found in other English writings, such as John B. Holt's early study on German agricultural policy during the period 1918-1934, Heberle has presented a most careful case study of political behavior in one of the agricultural regions of pre-Hitler Germany. There have been all too few of these case studies, and they will prove more useful in future post-mortems on Nazi Germany than will many of the more general accounts.—TAYLOR COLE, Duke University.

The Junker in the Prussian Administration under William II, 1888-1914, by Lysbeth Walker Muncy (Providence, Brown University, 1944; ix, 256 pp. $3.00), is a very competent, well-organized, and well-documented study. It embodies a survey, basically statistical, of approximately 1,500 Prussian officeholders in the period from 1888 to 1914. The careers of these "Junkers", representing 668 families from East Elbia and Saxony, are studied in order to gauge the "political power which the Junkers derived from officeholding." In the process there are examined the "habitual attitude" of members of this class toward the administration, the type of careers which they tended to follow, and the relation between these careers and the economic and social position of the officeholders. The basic conclusions of the study are interesting, if not startling. There is "no definite single mold for

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the Junker administrator." The officeholding "Junker" families "possessed a high degree of social solidarity" marked by relatively "exclusive marriage customs" and consistency in choice of career. They tended to have large families and they tried to maintain their generally favored economic position. The offices in the Prussian administration which showed the highest proportion of "Junker" landholders were, as one might expect, those offices which presented the best opportunity for the exercise of political influence and authority. The progressive "bureaucratizing" of both administration and officeholders somewhat reduced the potential influence of the "Junkers", whose directive hold on the Conservative Party also declined with the passing of years. The actual number of "Junkers" holding administrative jobs in the years under consideration was "much smaller than one is led to expect from a study of the general literature of the period." The relative strength varied with geographical sections and declined within the period under review. The decline of influence, however, was slow, for the "Junkers" had a "tough and tenacious" grip on the "sources of social and political power." Despite the interest attaching to these conclusions, one cannot help but wish that the author had not imposed such very narrow limits upon herself. The study is thoroughly documented, statistical and precise; but there is little of human interest in it. The book gives a straightforward and satisfactory story of certain administration offices and their incumbents —whenever these happened to be "Junkers". But there is little about the "Junker" himself. Personal variations among these administrators, their thoughts and reactions, their reasons for action, all these are discussed, it seems to the reviewer, only when that is necessary to explain something unexpected about the percentages listed. Naturally the "Junkers" were affected by their heredity and environment, or by their traditions and education—but so are most other groups. Only a parallel and comparative study of the several social groups within Prussia, or else of the so-called ruling groups in other western countries, would, it seems, give full meaning and value to the material here presented. One hopes that Miss Muncy may find the time and inclination eventually to make this additional contribution.—WALTER CONSUELO LANGSAM, Wagner College.

M. Margaret Ball, the author of the small volume *The Problem of Inter-American Organization* (Stanford University Press, London, Oxford University Press, 1944; vii, 117 pp. $2.00), is a specialist in certain phases of European diplomacy who managed to obtain an award from the Social Science Research Council. A newcomer blown into

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the Latin-American field by the recent winds of Pan-American enthusiasm, she started with little previous preparation. Although her work is not without merit, one cannot help wondering why some expert was not selected for the task. Hers seems to be another case illustrating the evils of centralization in the control of research funds. Miss Ball's knowledge of the history of Inter-American relations is naturally quite limited. Her bibliography indicates that she is not familiar with some of the best writers in the field, even among her own countrymen. Her description of the structure and functions of the various Pan-American institutions is useful, although incomplete. Her criticisms of their multiplicity and their lack of coördination are well founded. Her suggestions with respect to reorganization appear to be sound. They might have more weight if they came from a mature specialist in Inter-American affairs. She recommends that the various and scattered Pan-American organizations be consolidated into the Inter-American Conference of Foreign Ministers, with four subordinate agencies, and that the Pan American Union, its sixteen divisions reduced to nine or ten, continue to act as the permanent secretariat. Surely this would be an improvement over the present miscellany of largely disconnected agencies, so numerous that the author was unable to present a complete list. An appendix includes forty-five, but there are many more. —J. FRED RIPPY, University of Chicago.

Miss Ella Lonn, a well-esteemed scholar in the history of the Civil War and Reconstruction, returns to an earlier interest in *The Colonial Agents of the Southern Colonies* (Chapel Hill, The University of North Carolina Press, 1945; vii, 438 pp. $5.00). Years ago she began a broad study of the colonial agency for all the English colonies, which is the kind of treatment an institutional topic of this character should have received. Twice she returned to the task; but meanwhile the subject had been whittled down by other researchers. In 1924 Miss Lillian Penson had published her important study of *The Colonial Agents of the British West Indies*. Monographs appeared on the agents of New England and Pennsylvania. Now Miss Lonn adds her monograph, sectional in scope where sectionalism has little significance, to complete the survey by sectors of the old empire. (It is so detailed and factual a monograph that one wonders a little how the author would have managed the selection of illustrative materials for the book which she first planned.) Its solid virtues are those of painstaking research —in the Public Record Office, in state archives, and in printed collections—and of systematic organization. The genesis of the office is traced for each of the five southern colonies. Some attention is given

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to special agents, but the bulk of the book deals with the regular agents, their selection, personnel, term, salaries, their multifarious duties, their relations with boards and officials at home and with the committees of correspondence and with governors and assemblies in the colonies. It is difficult to point to salient new conclusions regarding the office itself, though light is thrown upon many episodes, large and small, in the colonial history of the South. Possibly because the author has been so long away from colonial studies she has overlooked some important scholarship which would have helped her to point up more sharply the meaning of certain of these episodes (for instance the John Barnwell mission from South Carolina to which she repeatedly refers), or to avoid such misconceptions as appear on pages 212 and 235. The most illuminating chapter is on "Coöperation among the Agents and with the Merchants", which reveals, but does not exhaust, the rôle of the agents in important controversies of the 1760's and 1770's. There are appendices, including one which lists the southern agents, regular and special, and indicates their terms of service. Unfortunately the book is poorly written, and badly printed.—VERNER W. CRANE, University of Michigan.

China Fights On, by Pan Chao-ying (Stephen C. Y. Pan) (New York, Fleming H. Revell Company, 1945; 188 pp. $2.50), is another "war book" and unfortunately it is not a particularly helpful one either to the serious student of Far Eastern affairs or to the general public desiring orientation. The subtitle describes the book as "an inside story of China's long struggle against our common enemies." If there is anything here properly connoted by the phrase "inside story", the reviewer has failed to discover it. It is regrettable, too, that Dr. Pan has spread his narrative so thinly, and with so little regard for unity. He begins with a chapter on Manchuria: its meaning and its strategic value. Chapter ii is a superficial discussion of "United States Policy toward Manchuria before 1931". In reality it deals only with the Knox proposals of 1909, the Twenty-one Demands of 1915, and the Sino-Soviet Conflict of 1929. In each case the picture is inadequate, and it would seem that the author is unacquainted with extensive and published American documents dealing with the Sino-Soviet troubles. Succeeding chapters touch upon: "Japanese Aggression since 1931"; "Japan's Monroe Doctrine, New Order, and Co-Prosperity Sphere"; "Japanese Aggression since 1937"; "The Pearl Harbor Attack"; "China's Contribution to the United Nations"; and finally "China's War Objectives and Post-War Aspirations". Indeed there appears to be an inverse ratio between the scope of the subject matter

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which the author has attempted to cover and the depth to which he has been able to penetrate at any one point. To be sure, this is a quasi-official statement of the National Government's point of view; but one should be able to expect more even of an official statement. Readers who are not thoroughly familiar with the broad outlines of recent Far Eastern history will not even find clarification of an old story in these pages. Dr. Pan's remarks on the recall of General Stilwell late in 1944 are a fine example of the general superficiality of the book. The reader is lulled into repose with the admonition that he "should not be alarmed or too sensitive" about the matter. (See pp. 145-146.) In chapter viii on China's objectives, there is frequent reference to Generalissimo Chiang's recent book *China's Destiny;* but there is no adequate presentation of the philosophy contained in it. This is a grave omission from any work that pretends to deal with contemporary China. What Dr. Pan has to say about the United States (and he has a great deal to say despite limited space) is less adequate than his remarks on China. There can be no doubt that most Americans today have a keen appreciation of China's heroism during the past eight years of war. That appreciation is based on evidence far more valid in perspective and completeness than that which is contained in this book. It is with regret that this reviewer is compelled to characterize it as inadequate in plan and in execution.—PAUL H. CLYDE, Duke University.

Among the books on the Dutch East Indies published during the past two decades none surpasses *Netherlands India: A Study of Plural Economy,* by J. S. Furnivall (Cambridge, at the University Press, New York, The Macmillan Company, 1944; xxiii, 503 pp. $4.00), with an Introduction by A. C. D. de Graeff. A new printing of this valuable study, which was first published at Cambridge in 1939, is therefore highly welcome. Because of his long career as a member of the Civil Service in Burma, Mr. Furnivall is exceptionally well qualified to make this study. He has more than an academic knowledge of the problems of a colonial society. Years of experience in dealing with these problems have given him the opportunity for developing an unusually keen insight into their nature. While the book is primarily an economic history of the Dutch East Indies, it is much more than that. The constitutional structure and political developments receive enough treatment to meet the needs of all except those who are especially interested in these phases of the life of this interesting country. Mr. Furnivall defines a plural society as one "comprising two or more elements or social orders which live side by side, yet without mingling,

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in one political unit." A concept of this nature is very fruitful in giving unity and meaning to a study but it runs the danger of being pressed too far. Certainly East Indies society had in the decades between the first and second World Wars, and especially in the decade preceding Pearl Harbor, become far more integrated than the last chapters of Mr. Furnivall's study would indicate. Mr. Furnivall is thoroughly conversant with the history of the Indies but his knowledge of Dutch social, political and constitutional developments is not on the same level. An academician may find the lack of detailed references a bit annoying. Not infrequently references are made without any indication as to their source. These shortcomings, however, detract little from the value of this superb work.—AMRY VANDENBOSCH, University of Kentucky.

The workings of the International Tin Control Scheme are appraised in *Tin under Control* (Stanford University, Food Research Institute, Stanford University, 1945; xi, 314 pp. $3.00) by Dr. K. E. Knorr. This cartel, set up in 1931 under British-Dutch leadership, is of particular interest because it was a clear example of "an international producers' scheme with compulsory legislative backing" (p. 104). In fifteen carefully documented chapters Dr. Knorr lays the basis for an understanding of the marketing and producing problems peculiar to the industry; of its movement toward corporate amalgamation accompanying greater mechanization; of the insistent pressure of the leading producers for control even before the Great Depression; and of the specific policies of the ITCS in action up to the war. (The 1942 agreement runs until 1946, but is inoperative except for maintaining a skeleton organization because of Japanese control of southeast Asia and fixing of tin prices by the consuming governments of Britain and the United States.) The conclusion is reached that the ITCS was torn between policies of maximizing and stabilizing prices. It secured "very high prices to tin producers" (p. 196), yet it failed to moderate price swings, although it had announced this as a major objective. Indeed, "the very negotiation and announcement of agreements" tended to unsettle prices (p. 212), especially as the control authorities at times pursued a policy of very short supply. The control of prices and production "saved imprudent investors from heavy losses" (p. 235), and protected the industry from the effects of surplus production capacity, which had been induced by overadaptation of supply to the sharp and prolonged rise in tin prices in 1922-26. But control through the ITCS delayed and hindered the solution of the problem of excess capacity, whether achieved by competitive pressure or by deliberate

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planning. The writer concludes that "no matter what the problems of the tin-mining industry" after post-war rehabilitation, continuing the control scheme would be detrimental to consumers, and short-sighted for producers in view of wartime substitutes for tin (p. 294). But international coöperation of tin producers and industrial consumers is advocated. Sometimes repetitious, the book nevertheless gives a sound economic basis for formulating policy attitudes toward producers' commodity agreements.—CHARLOTTE MULLER, Barnard College.

Dr. Warren A. Roberts, who is associate professor of economics in Western Reserve University, was awarded a Guggenheim fellowship in 1940 to make a study of the effect of taxation on mineral enterprise. The title of the book, *State Taxation of Metallic Deposits* (Cambridge, Harvard University Press, 1944; xvi, 400 pp. $4.50), is perhaps a little misleading, since in indicating that it does not deal with federal taxation it might be taken to imply that it deals only with the taxes paid to state governments, whereas actually it is mostly concerned with the problems of using the value of a property as the basis of taxation, whether state or local. The book is divided into two parts dealing, by states, with those that use the ad valorem tax, and those that do not. It is not a manual of reference, though, for some states are not mentioned, and others are treated in great detail. For example, five chapters are devoted to Arizona, and four to Minnesota. It will be evident that the study deals with principles of taxation methods rather than the details of tax procedure, and is a correspondingly welcome addition to the literature of mine taxation, which, heretofore, has dealt chiefly with the specific effects of laws recently passed or in contemplation, or the methods of their application. A serious drawback of this otherwise excellent work is that it has no index.—THOMAS T. READ, Columbia University.

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